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August 5, 2009

*Via E-mail and Hand Delivery*

The Honorable Shira A. Scheindlin  
U.S. District Court Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Room 1620  
New York, NY 10007

Re: City of New York et al. v. Hess Corp. et al.  
Case No. 1:04-CV-3417 (SAS)

Dear Judge Scheindlin:

On behalf of the City of New York (the "City"), I write to object to a recent decision by Special Master Hedges concerning the admissibility of certain reports prepared by Toxics Targeting, Inc. ("Toxics Targeting"). As a preliminary note, this issue does not impact trial Phase I, as the City seeks to introduce this evidence during Phase II.

Toxics Targeting is a company whose primary business consists of collecting, organizing, and supplying to its clients public records concerning environmental hazards in New York State. Toxics Targeting uses Geographic Information Systems ("GIS") technology to assign mapping coordinates to such public records, stores the records and their coordinates in a proprietary master database, and thereafter generates customized reports based on the information categories and geographic parameters its clients specify. Toxics Targeting's typical clients include prospective homeowners performing research in advance of real estate transactions and environmental engineers working on behalf of public agencies. Clients rely on the company's reports, generated on an ongoing basis in the course of the company's business, just as they would the underlying public record documents. Clients also rely on Toxics Targeting mapping coordinates in order to understand the locations of reported facilities and incidents and to integrate this information with other data contained in maps or stored in GIS formats.

Consultants on behalf of the City of New York in 2008 ordered from Toxics Targeting a range of publicly available environmental data, including petroleum spill reports and underground petroleum storage tank registration information (both maintained by the New York State Department of Environmental Conservation (“NYSDEC”)) for southeast Queens. Toxics Targeting then supplied the City’s consultants with this data both as .pdf “reports” and as “shapefiles,” conveying each data point’s geographic coordinates, for use in GIS software. Several of the City’s experts relied on these reports and shapefiles in developing their opinions regarding future MTBE contamination in the City’s groundwater wells.

The City now seeks to ensure that the jury will have an opportunity during its deliberations to review the Toxics Targeting reports, which provide public record information about reported petroleum spills and about registered underground storage tanks in a convenient and intelligible format. The City also seeks to ensure that the jury will have an opportunity during its deliberations to review maps that were generated by City experts using coordinates provided by Toxics Targeting. Accordingly, we object to Special Master Hedges’ July 23 decision to exclude the Toxics Targeting reports and coordinates.

## **I. Procedural Background and Standard of Review**

The City listed various Toxics Targeting reports on its Phase II Trial Exhibit List. A copy of the relevant portion of the City’s exhibit list is annexed as Exhibit 1. Defendants also listed various Toxics Targeting documents on its Phase II Trial Exhibit List. A copy of the relevant portion of defendants’ exhibit list is annexed as Exhibit 2. Defendant ExxonMobil nonetheless subsequently objected to admission of the Toxics Targeting reports into evidence.

On July 22, the City submitted to Special Master Hedges a declaration from David Jorgensen, an employee of Toxics Targeting, explaining its report compilation process. A copy of this declaration, along with the three exhibits cited therein, is annexed as Exhibit 3. ExxonMobil submitted a letter brief in opposition, a copy of which is annexed as Exhibit 4. On July 23, Special Master Hedges heard argument on this issue and determined that the Toxics Targeting materials are not admissible under FRE 806 and 808. A copy of the rough draft of the transcript of this argument is annexed as Exhibit 5.

Under the Court’s Order dated July 8, 2009, this decision from Special Master Hedges concerning a “conclusion of law” is subject to *de novo* review by the Court.

## **II. Toxics Targeting Reports are Admissible Under FRE 803(6) and (8)<sup>1</sup>**

The City respectfully contests Special Master Hedges’ determination that the Toxics Targeting reports are not properly admissible under the business records and public

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<sup>1</sup> Special Master Hedges alluded to the possibility that the Toxics Targeting materials could be admissible as summaries of voluminous records under FRE 1006, pending additional argument. *See* Exh. 5, 28:13-17. The City has not pursued this given its belief that the records are more properly admissible as complete public records maintained in the course of a business’s regular activities, under FRE 803, but notes that FRE 1006 provides a potential alternative basis for admissibility.

records exceptions to the hearsay rule. Toxics Targeting gathers environmental information from NYSDEC and other state, local, and federal agencies in and as the normal course of its business.<sup>2</sup> Toxics Targeting routinely generates reports for public and private clients, including environmental professionals performing due diligence in advance of real estate transactions and assisting public entities with compliance and monitoring work, as described further in Section IV. Staff members of Toxics Targeting regularly secure updates to publicly available information from federal, state, and local government agencies so as to ensure that the company's master database is current. *See* Exh. 3 (Jorgensen Decl.), ¶ 5. In addition, Toxics Targeting staff routinely search their master database for records falling within the temporal, geographic, and/or content specifications their clients request, and thus generate new reports. *See id.*, ¶ 9. Accordingly, both the data stored in Toxics Targeting's master database and the reports it generates based on searches of that master database are data compilations made as a regular practice, shortly after the reflected downloads of public database information. Both constitute business records that should be deemed admissible under FRE 803(6).

ExxonMobil has argued that Toxics Targeting reports do not qualify as business records eligible for the FRE 803(6) exemption because they do not entail the "systematic checking" and "actual experience of business in relying upon" business record information contemplated by the Advisory Committee Notes to FRE 803(6). However, the monthly, quarterly, and annual database updates Toxics Targeting performs constitute systematic checking of the information at issue. Further, given that the primary service Toxics Targeting offers is the provision of reliable information about environmental hazards, Toxics Targeting has decades of experience in relying upon business records of the sort at issue here, and has strong incentives to monitor and maintain the accuracy of its database information. ExxonMobil's argument seems rooted in an anachronistic understanding of what constitutes regularly conducted activity, and ignores the reality that Toxics Targeting, like many other modern firms, is in the business of collecting, organizing, and dispensing information. Each of the hundreds of thousands of database items Toxics Targeting maintains in its master database is a business record, obtained in the course of the company's regular commercial activities. These records retain their integrity and admissibility as they are electronically copied and incorporated into reports whose format and extent are specified by individual clients. *Contra Potamkin Cadillac Corp. v. B.R.I. Coverage Corp.*, 38 F.3d 627, 633 (2d Cir. 1994) (upholding exclusion of electronic billing history document whose creation "required significant selection and interpretation of data, not simply a downloading of information previously computerized in the regular course of business.")

The principles underlying FRE 803(8), regarding public records, also support a determination that the Toxics Targeting database records are admissible under an exception to the hearsay rule. Toxics Targeting is not a public agency, and thus materials produced by Toxics Targeting are not directly subject to the public records doctrine. However, practically speaking, the database records at issue were downloaded verbatim by Toxics Targeting from Internet sites

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<sup>2</sup> Some of the reports Toxics Targeting provided to City consultants in 2008 also contained information from a non-public database reflecting the records of utility companies, but the City does *not* seek to admit any information derived from private utility records into evidence; the utility database records are discrete and easily identifiable, and will be omitted or redacted from the Toxics Targeting materials introduced at trial.

maintained by NYSDEC and other government agencies, or in some cases transmitted directly to Toxics Targeting by agency staff. These records contain public agencies' factual findings from spill investigations made pursuant to their statutory authority to investigate petroleum discharges, public agencies' observations pursuant to their statutory duty to keep records of spills, tank registrations, and so forth, and public agencies' records of their own activities with regard to spill investigations and related enforcement work. *See* FRE 803(8)(C), (B), (A). Annexed as Exhibit 6 is a chart prepared by Toxics Targeting that clarifies the limited instances in which any changes were made to records from the primary public database at issue for the 65 confirmed gasoline releases primarily at issue in this case. Toxics Targeting does not modify the content of such records, which thus retain their public record character and should be admissible for the same reasons that records produced directly by a public agency are admissible under an exception to the hearsay rule.

The City's ability to make its case clearly and efficiently to the jury would be impaired if the City were permitted only to introduce underlying individual records from public databases into evidence, rather than the formatted reports supplied by Toxics Targeting. Toxics Targeting's reports bring together information from dozens of public databases in a readable configuration. Because they are organized geographically, the Toxics Targeting reports allow readers to view consolidated information about the same site from multiple sources (such as, for example, the NYSDEC Spills Information Database, the NYSDEC Petroleum Bulk Storage Registration Database, and a separate tank information database maintained by the City's Fire Department). Where public agencies' databases rely on codes (such as the use of a number to indicate the "material spilled" in the NYSDEC Spills Information Database), Toxics Targeting spells out the associated values, making the Toxics Targeting edition of the same records much more accessible to people without technical training. Toxics Targeting also retains in its master database and conveys in newly ordered reports information that was previously available in public databases but has been removed (such as petroleum bulk storage registration records for certain transportation facilities, which NYSDEC ceased to make available after 9/11) – thus, no single temporal snapshot of underlying public databases could convey as much information as the equivalent Toxics Targeting report. Finally, as described further below, Toxics Targeting shapefiles apply geographic coordinates to public database records, so that the locations of the facilities and incidents addressed in the public databases records may be mapped, modeled, and otherwise utilized in expert analysis.

### **III. Geographic Coordinate Information is Reliable and Admissible**

Separate and apart from the database records reprinted in its reports, the mapping information generated by Toxics Targeting should also be admissible into evidence. Toxics Targeting typically maps each site referenced in a public database by matching the address provided in that record to longitude and latitude data provided by public entities, in this instance the New York City Department of City Planning and Nassau County GIS Department. In some instances, where an address provided in the public database record is incomplete or unusable, Toxics Targeting staff corrects the address used to generate mapping coordinates through a manual verification process. This process typically involves cross-referencing with other publicly available GIS information sources, such as the New York City Department of Buildings and the U.S. Census. The address verification process can also involve the application of common sense to the addresses recorded in database records, such as the substitution of "North Conduit Avenue" for locally nonexistent "North Conduit Boulevard". As an example, the

second column of the chart annexed as Exhibit 6 explains address changes made by Toxics Targeting in order to facilitate accurate mapping for the 65 records from the NYSDEC Spills Information Database primarily at issue in this litigation.

Special Master Hedges expressed confusion over the idea that Toxics Targeting staff members added information to the public records conveyed in the company's reports (*see* Exh. 5, July 23 Transcript, at 9:16-10:9), but this may simply reflect the shortage of information before him at that time. The assignment of GIS coordinates to addresses provided in public records is a business activity Toxics Targeting carries out regularly and suitable for admission under FRE 803(6) as discussed above. While mapping of some addresses incorporates subjective judgment, review of the specific changes made here confirms that these changes are of a common-sense nature and help, not hurt, the precision of the associated geographic data. If a mapping discrepancy does exist, ExxonMobil (which received the Toxics Targeting reports and shapefiles in discovery months ago) could easily raise this on cross-examination at trial. *See U.S. v. Catanbran*, 856 F.2d 453 (9th Cir. 1988) (allegation of inaccuracy in computerized record goes to weight of evidence, not admissibility of record).

### **III. ExxonMobil's Primary Argument Rests on a Factual Misunderstanding**

ExxonMobil's letter brief in opposition to the admission of Toxics Targeting reports into evidence, as well as its statements in opposition at oral argument, focused heavily on dissection of the Toxics Targeting report excerpt and accompanying print-out of a spill report (Spill # 9804275) as maintained in NYSDEC's Spills Information Database, which the City provided to Special Master Hedges as Exhibits B and C, respectively, to the Jorgensen Declaration, as illustrations of the types of information at issue. The database record comprising Exhibit B was downloaded from an NYSDEC public internet site by Toxics Targeting in February 2008, while the database record comprising Exhibit C was printed directly from an NYSDEC computer in 2003, and eventually produced by then-defendant Hess to plaintiffs in this MDL. ExxonMobil focused its arguments against the admissibility of these records on purported discrepancies between Exhibit B and Exhibit C, such as the classification of a named potentially responsible party as "spiller" versus "potential spiller." *See* Exh. 4 (ExxonMobil letter brief), at 2-3; Exh. 5 (July 23 Transcript), at 13:9-15:23. However, the differences between the 2003 DEC print-out and the 2008 Toxics Targeting record reflect not edits made by Toxics Targeting, but changes made by NYSDEC to its own Spills Information Database between 2003 and 2008. *See* Exh. 3 (Jorgensen Decl.), ¶ 8.

Since Special Master Hedges decided this issue, the City has obtained and has produced to ExxonMobil electronic replicas of the February 2008 and July 2008 editions of the NYSDEC Spills Information Database, as downloaded at those times by Toxics Targeting from NYSDEC's public Internet site and used to prepare the reports Toxics Targeting supplied to City consultants in 2008. A printed copy of the database record for Spill # 9804275, printed directly from the database as NYSDEC made it available in February 2008, is annexed as Exhibit 7. Exhibit 7 matches Exhibit B, thus addressing ExxonMobil's concerns and demonstrating the accuracy of Toxics Targeting's reproduction of database content.

#### **IV. The Purposes for Which Toxics Targeting Reports Are Used Support Admissibility**

The City asks that the admissibility of the Toxics Targeting reports be evaluated in light of the purposes for which Toxics Targeting maintains its databases and generates such reports. Toxics Targeting often prepares reports on behalf of prospective purchasers and mortgage lenders concerned about environmental hazards on or near a piece of real property. *See* Exh 3 (Jorgensen Decl.), ¶¶ 2-3, 9. The scope of Toxics Targeting's master database was developed to comply with ASTM E1527-05, such that obtaining and reviewing a Toxics Targeting report can constitute compliance with the federal "all appropriate inquiries" standard for environmental due diligence and provide a defense to subsequent liability under CERCLA. *See* 40 CFR § 312. Reports prepared by Toxics Targeting and its consultants are also commonly relied upon by environmental professionals in both the public and private sector who need to access public database information in a convenient and mappable format. Each report, while generated on a one-time basis on behalf of a specific client, reflects records previously obtained by Toxics Targeting from applicable public agencies, and thus is a properly admissible record of Toxics Targeting's regular information-gathering activity.

The Toxics Targeting reports at issue here were not prepared with the intent to support litigation; Toxics Targeting staff were not even aware that the City of New York was the client on whose behalf the reports at issue were ordered, or that litigation was involved, until months after the reports' production. Toxics Targeting had every incentive to provide reports that accurately mirrored the underlying database records made available by NYSDEC and other public agencies, and to map the sites referenced in those records as accurately as possible using publicly available GIS data sources and, where necessary, manual verification. The reports closely track underlying public records, reflect data compilation performed in the normal course of Toxics Targeting's business, prove accurate when subjected to individualized scrutiny, and enhance the jury's ability to grasp the extensive and highly technical underlying information. They should be admissible under the Federal Rules of Evidence as well as under a rule of reason.

Thank you for your time and consideration.

Respectfully,



Amanda C. Goad  
Assistant Corporation Counsel  
Environmental Law Division

Cc (via e-mail): Stephen Riccardulli, Esq., counsel for defendant ExxonMobil  
Special Master Ronald J. Hedges

PLAINTIFF CITY OF NEW YORK'S PHASE 2 TRIAL EXHIBIT LIST

APPENDIX A

PL-14663		srf, 202-06 hillside, 3/9/2006	NYC-LBG-E0033771	NYC-LBG-E0033788
PL-14664		srf, 202-06 hillside, 4/98	NYC-MPEXP-E0056781	NYC-MPEXP-E0056781
PL-14665		srf, 202-06 hillside, 10/6/98	NYC-MPEXP-E0056782	NYC-MPEXP-E0056782
PL-14666		srf, 202-06 hillside avenue, undated	NYC-MPEXP-E0056783	NYC-MPEXP-E0056785
PL-14667		srf, 202-06 hillside, 7/00	NYC-MPEXP-E0069219	NYC-MPEXP-E0069219
PL-14668		srf, 202-06 hillside	NYC-MPEXP-E0069220	NYC-MPEXP-E0069220
PL-14669		srf, 202-06 hillside, 4/21/00	NYC-MPEXP-E0069221	NYC-MPEXP-E0069221
PL-14670		srf, 202-06 hillside, 8/13/03	NYC-MPEXP-E0069223	NYC-MPEXP-E0069223
PL-14671		srf, 202-06 hillside, 8/4/03	NYC-MPEXP-E0069224	NYC-MPEXP-E0069225
PL-14672		srf, 202-06 hillside, 10/25/00	NYC-MPEXP-E0069226	NYC-MPEXP-E0069226
PL-14673		srf, 202-06 hillside ave, 2/15/2008	NYC-MPEXP-E0275079	NYC-MPEXP-E0275080
PL-14674		srf, 202-06 hillside ave, 2/15/2008	NYC-MPEXP-E0275083	NYC-MPEXP-E0275084
PL-14675		srf, 202-06 hillside ave, 4/10/2008	NYC-MPEXP-E0275085	NYC-MPEXP-E0275086
PL-14676		srf, 202-06 hillside ave, 5/18/2008	NYC-MPEXP-E0275087	NYC-MPEXP-E0275088
PL-14677		srf, 202-06 hillside 8/5/2008,	NYC-MPEXP-E0275089	NYC-MPEXP-E0275090
	Toxics Targeting, Inc. Reports	March 2008 Toxic Targeting Reports	Various	
PL-14678		October 2008 Toxic Targeting Reports	Various	
PL-14679		Toxics Targeting report -- Queens Section 91	NYC-MPEXP-E0084134	NYC-MPEXP-E0084281
PL-14680		Toxics Targeting report -- Queens Section 92	NYC-MPEXP-E0084282	NYC-MPEXP-E0084429
PL-14681		Toxics Targeting report -- Queens Section 106	NYC-MPEXP-E0084430	NYC-MPEXP-E0084656
PL-14682		Toxics Targeting report -- Queens Section 107	NYC-MPEXP-E0084657	NYC-MPEXP-E0084821
PL-14683		Toxics Targeting report -- Queens Section 108	NYC-MPEXP-E0084822	NYC-MPEXP-E0084905
PL-14684		Toxics Targeting report -- Queens Section 121	NYC-MPEXP-E0084906	NYC-MPEXP-E0085067
PL-14685		Toxics Targeting report -- Queens Section 122	NYC-MPEXP-E0085068	NYC-MPEXP-E0085236
PL-14686		Toxics Targeting report -- Queens Section 123	NYC-MPEXP-E0085237	NYC-MPEXP-E0085334
PL-14687		Toxics Targeting report -- Queens Section 124	NYC-MPEXP-E0085335	NYC-MPEXP-E0085414
PL-14688		Toxics Targeting report -- Queens Section 138	NYC-MPEXP-E0085415	NYC-MPEXP-E0085510



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**ATTACHMENT A  
DEFENDANTS' JOINT EXHIBIT LIST**

No.	Bates Begin	Bates End	Date	Subject/Title	Doc. Type	Author(s)	Recipient(s)	PAGES
3975	URSNYC-003408	URSNYC-003423	Apr-93	Site Specific Work Plan for the Corrective Action Investigation - Precinct No. 113		URS Consultants, Inc.	O'Brien-Kreitzberg Associates, Inc.	
3976	URSNYC-003424	URSNYC-003437	Apr-93	Site Specific Work Plan for the Remedial Investigation NYPD Precinct No. 113		URS Consultants, Inc.	O'Brien-Kreitzberg Associates, Inc.	
3977	URSNYC-003438	URSNYC-003449	May-93	Preliminary Redesign Investigation Report Tank Tightness Testing - Precinct No. 113		URS Consultants, Inc.	O'Brien-Kreitzberg Associates, Inc.	
3978	URSNYC-003487	URSNYC-003489		Groundwater Sampling Results 113th Precinct - Table 10				
3979	URSNYC-003490	URSNYC-003500		113th Precinct Station House Maps				
3980	URSNYC-003517	URSNYC-003523		113th Precinct Maps				
3981	URSNYC-003585	URSNYC-003713	Aug-95	Corrective Action Investigation Report for the NYPD Precinct No. 113		URS Consultants, Inc.	O'Brien-Kreitzberg Associates	
3982	URSNYC-003792	URSNYC-003816	4/14/1995	NYCDDC Corrective Action System Status Report - 113th Precinct				
3983	URSNYC-004015	URSNYC-004041	4/14/1995	NYDDC Corrective Action System Status Report				
3984	URSNYC-004219	URSNYC-004246	4/14/1995	NYCDDC Corrective Action System Status Report - 113th Precinct				
3985	URSNYC-004562	URSNYC-004745	May-01	Quarterly Groundwater Monitoring Report January to March 2001 for the NYCDDC		URS Greiner Woodward Clyde	O'Brien-Kreitzberg, Inc.	
3986	URSNYC-004747	URSNYC-004870	Jan-01	Design Analysis Report for Soil Remediation		URS Greiner Woodward Clyde	O'Brien-Kreitzberg, Inc.	
3987	URSNYC-005075	URSNYC-005512	May-01	Soil/Groundwater Remediation System Installation, Operation and Maintenance		URS Greiner Woodward Clyde	O'Brien-Kreitzberg, Inc.	
3988	URSNYC-005515	URSNYC-005539		103rd Precinct Site Report				
3989	URSNYC-005719	URSNYC-005732	6/14/2005	System Performance Monitoring Report for the 103rd Precinct Monitoring Period February through May 2005	Letter	Jane Staten	Alexander Zhitomirsky, T. Ahmad	
3990	URSNYC-005733	URSNYC-005755	4/21/2005	103rd Police Precinct Confirmation Soil Sampling - Second Round	Letter	Jane Staten	Alexander Zhitomirsky, T. Ahmad	
3991	URSNYC-005756	URSNYC-005796	11/18/2004	System Performance Monitoring Report for 103rd Precinct Monitoring Period August through October 2004	Letter	Jane Staten	H. Roberts; Jonathan Kolley; T. Ahmad	
3992	URSNYC-005838	URSNYC-005839	7/26/2001	NYC Police Department - 103rd Precinct	Letter	Randall Austin	Afsar Samani; Harvey Roberts; James Back; Jane Staten	
3993	URSNYC-005840	URSNYC-005854	6/27/2001	NYCDDC UST Program - No Further Action for Groundwater	Letter	Jane Staten	A. Samani; H. Roberts; Jonathan Kolley	
3994	URSNYC-005855	URSNYC-005873	8/25/2000	NYCDDC UST Program	Letter	Jane Staten	A. Taberzadeh; H. Roberts; Jonathan Kolley	
3995	URSNYC-006210	URSNYC-006219		112th Precinct Report				
3996	URSNYC-006256	URSNYC-006392	Aug-96	Predesign Investigation Report for Department of General Services Transportation Program Unit Petroleum Storage Tanks Sites: Capital Project - PW348		URS Consultants, Inc.	TDX Construction Corporation	
3997	URSNYC-006393	URSNYC-006543	Aug-96	Predesign Investigation Report for Department of General Services Transportation Program Unit Petroleum Storage Tank Sites: Capital Project - PW348		TDX Construction Corporation	URS Consultants, Inc.	
3998	URSNYC-006945	URSNYC-006945	5/26/1998	Investigation Summary and Remedial Plan	Letter	Jonathan Kolley	Anthony Marino; Peter Feldman; Robert Murphy	
3999	URSNYC-007295	URSNYC-007298	3/17/1997	Addendum #1 to Contract Documents				
4000	URSNYC-007363	URSNYC-007378		Independent Technical Review Report - Exhibits				
4001	URSNYC-007455	URSNYC-007592	Aug-96	Predesign Investigation Report for Dept. of General Services Transportation Program Unit Petroleum Storage Tank Sites: Capital Project - PW348		URS Consultants, Inc.	TDX Construction Corporation	
4002	URSNYC-007593	URSNYC-007746	Aug-96	Predesign Investigation Report for Dept. of General Services Transportation Program Unit Petroleum Storage Tank Sites: Capital Project - PW348				
4003	URSNYC-007747	URSNYC-007960	Mar-97	Closure and Upgrade of Petroleum Storage Tank Systems for the NYC Fire Department		URS Consultants, Inc.	TDX Construction Corp.	



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**ATTACHMENT A  
DEFENDANTS' JOINT EXHIBIT LIST**

No.	Bates Begin	Bates End	Date	Subject/Title	Doc. Type	Author(s)	Recipient(s)	PAGES
6193			10/11/2007	Groundwater Investigation Report, 105-15 Merrick Blvd., Jamaica, NY		Maitry Roy Moulik		
6194			10/11/2007	Groundwater Investigation Report		MIG Environmental		
6195			10/24/2007	E-mail re: Station 6 DEP Contact		Chiusano, David		
6196			10/31/2007	Utilization of the carbon and hydrogen isotopic composition of individual compounds in refined hydrocarbon products to monitor their fate in the environment. (10-31-07)		Philip. R. Paul and Tomasz Kuder;		
6197			Nov-07	VOC Removal Alternatives Analysis Technical Memorandum, Station 6 Demonstration Plant Interim Activities, November 2007.		Malcolm-Pirnie, Inc.		
6198			Nov-07	Cohen Exhibit #5: VOC Removal Alternatives Analysis Technical Memorandum		NYSDEC		
6199			12/17/2007	New York State Department of Environmental Conservation, Spill Response, Region 2, Payment Package Transmittal		D. Chiusano		
6200			12/19/2007	Letter		William Dee		
6201			1/1/2008	USEPA MTBE Pilot Project – Objective 2, Investigate Potential Sources of MTBE Contamination on Long Island that Could Impact Water Supplies or Environmentally Sensitive Areas (January 2008)		New York State Department of Environmental Conservation		
6202			1/24/2008	Letter from NYSDDEC to Mr. Singh of Bhela, Inc. regarding the Revised Remedial Investigation Report and Supplemental Groundwater Investigation Report for Spill No. 96-05038	Letter	NYSDDEC	Gurnam Singh	
6203			1/24/2008	Letter re: Spill No. 96-05038		Thomas Festa		
6204			1/24/2008	Letter re 105-15 Merrick Blvd., Jamaica, Queens, Spill No. 96-05038, Revised Remedial Investigation Report & Supplemental Groundwater Report		Thomas Festa		
6205			1/24/2008	E-mail: Update on Merrick Blvd Gas Station		Donald K. Cohen		
6206			2/4/2008	Ground water monitoring report - First quarter 2008, Former Amoco BP Service Station Number 00560, 137-10 94th Ave, Jamaica, Queens County, New York		Delta Environmental Consultants, Inc.		
6207			2/11/2008	Transmittal Letter attaching "First and Last Hit Chart" for MTBE in wells		Daniel Greene		
6208			2/12/2008	Memorandum Re: "Preliminary Scenarios to Alleviate Flooding in Groundwater Flood Control Target Zones within Brooklyn and Queens", 2/12/08		CDM/Hazen & Sawyer		
6209			2/14/2008	New York City Underground Storage Tank Fact Sheet		US EPA		
6210			3/2008	Site status update report, Newburgh, NY		Kleinfelder East		
6211			Mar-08	March 2008 Well Status Table.		NYCDEP		
6212			3/6/2008	Ground Water Monitoring Report - First Quarter 2008, NYSDDEC Spill Number 03-08006, Former Amoco BP Service (sic) Station Number 4318, 113-40 Merrick Boulevard, St. Albans, Queens County, New York, March 6, 2008.		Delta		
6213			3/11/2008	Annual Remediation Status Report for 2007		URS Corporation		
6214			3/30/2008	Toxics Targeting Database				
6215			3/30/2008	Toxics Targeting environmental report, Section 122 Queens, NY		Toxics Targeting		
6216			3/30/2008	Toxics Targeting Environmental Report - Station 106				
6217			4/1/2008	Invoice		Veritech		
6218			4/17/2008	Table 1		MIG Environmental		
6219			May-08	Draft NYC Water System Dependability Program Conceptual Plan and Results of Evaluation, prepared for NYCDEP, May 2008.		Joint Venture		

**ATTACHMENT A  
DEFENDANTS' JOINT EXHIBIT LIST**

No.	Bates Begin	Bates End	Date	Subject/Title	Doc. Type	Author(s)	Recipient(s)	PAGES
			5/14/2008	Figure 5 - Ground Water Elevation Contour Map. Ground Water Monitoring Report - Second Quarter for Former Amoco Service Station No. 11009, 165-25 Liberty Avenue, St. Albans, New York		Delta Environmental Consultants, Inc.		
6220			5/14/2008	Quarterly report, NYSDC Permit #. 26399-0005/0001		Robin M. Levine		
6221			5/19/2008	Cost Estimates and Market Conditions Guidance	Letter	J. Mueller	Distribution	
6222			5/30/2008	Proposed Remedial Plan, Spill # 88-06289, Atlas Service Station, 108-46 Merrick Boulevard, Jamaica, New York, May 30 2008.		J.R. Holzmacher P.E., LLC		
6223			6/1/2008	Cost estimating manual		NYCDEP	Bureau of Engineering Design and Construction	
6224			7/8/2008	Isotopic fractionation by diffusion in groundwater	Article	Eric M. LaBolle, Graham E. Fogg, Juann B. Eweis, Janko Gravner		15
6225			7/22/2008	Letter report on installation of new monitoring wells and ground water sampling activity for all existing and new wells		MIG Environmental		
6226			7/24/2008	Letter of Transmittal enclosing CD with toxics Targeting Data	Letter	Malcolm Pirnie		2
6227			7/28/2008	Letter report; 105-15 Merrick Boulevard, July 28, 2008.	Letter	MIG Environmental	Eric LaBolle	
6228			7/28/2008	105-15 Merrick Blvd., Jamaica, Queens, Spill No. 96-05038, Report on Monitoring Well Installation Activity and Laboratory results of the quarterly groundwater sampling event		Maitry Roy Moulik		
6229			7/28/2008	Letter report on installation of new monitoring wells and ground water sampling activity for all existing and new wells		MIG Environmental		
6230			8/1/2008	Ground water monitoring report - Second quarter 2008, Former Amoco BP Service Station Number 11009, 165-25 Liberty Avenue, St. Albans, New York		Delta Environmental Consultants, Inc.		
6231			8/4/2008	New York City Water Supply Dependability Strategy In-City Groundwater Project Groundwater Sampling Plan, August 4, 2008.		Joint Venture		
6232			8/26/2008	Ground Water Monitoring Report - Second Quarter 2008; Former Amoco BP Service Station Number 11009, 165-25 Liberty Avenue, August 26, 2008.		Delta		
6233			9/1/2008	Monthly status report - New York City Transit remediation sites and monthly monitoring sites - period covering July 2008		URS Corporation		
6234			Sep-08	Walsh Exhibit #11: Bi-Monthly Report - Project PW38-42, prepared by Greyhawk North America				
6235			9/19/2008	Memorandum, Outreach to NYSDC for review and compilation		Dependability JV		
6236			9/26/2008	Plaintiff City of New York's Supplemental Responses and Objections to Interrogatories One and Two of Defendants' Second Set of Two of Defendants Second Set of Interrogatories to Plaintiff City of New York.		City of New York		
6237			10/1/2008	Monthly status report - New York City Transit remediation sites and monthly monitoring sites - period covering August 2008		URS Corporation		
6238			10/1/2008	Plaintiff City of New York's Collective Responses and Objections to Defendants' August 2008 Well Specific Discovery Requests		City of New York		
6239			10/3/2008	Joint Venture Technical Memorandum T02-04-TM02, Review of Groundwater Management Plan Flood Control Zones, October 3, 2008.		Dependability JV		
6240			10/6/2008	Letter to Mr. Abdeladek				
6241			10/8/2008	Toxics Targeting Phase I Environmental Database Report, Section 122, October 8, 2008, page 14.		Toxics Targeting, Inc.		
6242			10/8/2008	Toxics Targeting Phase I Environmental Database Report, Section 139, October 8, 2008, page 15.		Toxics Targeting, Inc.		
6243			10/8/2008	Phase I Environmental Database Report, Section 122 Queens, NY		Toxics Targeting, Inc.		
6244								

**ATTACHMENT A  
DEFENDANTS' JOINT EXHIBIT LIST**

6/15/2009

No.	Bates Begin	Bates End	Date	Subject/Title	Doc. Type	Author(s)	Recipient(s)	PAGES
6245			10/8/2008	Toxics Targeting Report, Phase I Environmental Database Report - Station 106				
6246			10/19/2008	Water Supply Dependability Program Executive Summary Report, October 19, 2008.		Joint Venture		
6247			10/30/2008	Memorandum to NYCDEP, In-City Groundwater Project: Summary of Groundwater Sampling Program Events, October 30, 2008.	Memo	Dependability JV	NYCDEP	
6248			11/2008	US Monthly Surface Data - John F. Kennedy International Airport - Total Precipitation		NOAA	U.S. Department of Commerce NOAA National Data Centers	
6249			11/8/2008	Overview of the Federal UST Program, <a href="http://www.epa.gov/swenust/overview.htm">http://www.epa.gov/swenust/overview.htm</a> , last updated November 8, 2008.		USEPA		
6250			11/12/2008	Letter re: Spill No. 96-05038		Thomas Festa		
6251			11/12/2008	Letter, 105-15 Merrick Blvd., Jamaica, Queens, Spill No. 96-05038, Quarterly Groundwater Monitoring Report		Thomas Festa		
6252			12/1/2008	Monthly status report - New York City Transit remediation sites and monthly monitoring sites - period covering October 2008		URS Corporation		
6253			12/1/2008	September plan approved budget FY-09 to FY-12 for funded projects		NYCDEP	New York	
6254			12/1/2008	September plan approved budget FY-09 to FY-12 for unfunded projects		NYCDEP	New York	
6255			12/2008	UST Program Facts, Data about the Underground Storage Tank Program		USEPA		
6256			12/1/2008	Monthly status report - New York City Transit remediation sites and monthly monitoring sites - period covering October 2008		URS Corporation		
6257			12/9/2008	Supplement Data Required with Application for Remediation Well Permits		New York City Transit		
6258			12/11/2008	Compilation of notes, meeting minutes, and correspondence (location - p. 7-26)		Citizen's Advisory Committee		
6259			12/11/2008	Spills Incident Database Report, 88-06289, December 11, 2008.		NYSDEC		
6260			12/17/2008	Subpoena Response from Five Stock LLC and Bhela Inc., letter		Jacqueline DiCrescio		
6261			1/2009	Groundwater System Water Supply Permit 2008		NYCDEP		
6262			1/6/2009	Methodology for Incorporating Water Quality Data into Groundwater Modeling		Dependability JV		
6263			1/9/2009	Expert Opinion of John A. Connor, P.E., P.G., B.C.E.E., Concerning MTBE in Groundwater in Queens County, New York, in the case City of New York v. Amerada Hess Corp., et al		Connor, J.A.		
6264			1/23/2009	Expert Report of Thomas F. Maguire, PG, LSP, LEP in the matter of City of New York v. Amerada Hess Corp., et al		Maguire, T.F.		
6265			1/30/2009	National Resources Conservation Service ( <a href="http://www.economics.nrcs.usda.gov/cost/priceindexes/index.html">http://www.economics.nrcs.usda.gov/cost/priceindexes/index.html</a> )		NRCS		
6266			2/6/2009	Walsh Exhibit #1: Letter from S. Amron to J. Pardo re testimony by City employees				
6267			Mar-09	Council for Regulatory Environmental Modeling, Guidance on the Development, Evaluation, and Application of Environmental Models, EPA/100/K-09/003 - March 2009.		USEPA		
6268			3/4/2009	Petroleum Bulk Storage Underground Tank Tightness Testing FAO's, accessed March 4, 2009.		NYSDEC		
6269			3/9/2009	Beckett Exhibit #6: Expert Report of Thomas Maguire, 3/9/09				150
6270			3/9/2009	Evaluation of Getty Petroleum Marketing, Inc. as a Potential Source of MTBE to New York City Groundwater Focus Wells, in support of: MTBE Products Liability Litigation, City of New York v. Amerada Hess Corp., et al		Russell, K.T.		
6271			3/18/2009	<a href="http://enr.construction.com/Default.asp">http://enr.construction.com/Default.asp</a>		Engineering News Record (ENR)		



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

IN RE: METHYL TERTIARY BUTYL ETHER  
("MTBE") PRODUCTS LIABILITY LITIGATION

**DECLARATION OF DAVID  
JORGENSEN**

This documents relates to:

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

City of New York v. Amerada Hess Corp., *et al.*,  
No. 04 Civ. 3417

----- X

I, DAVID JORGENSEN, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury, that the following is true and correct:

1. I am a Data Manager with Toxics Targeting, Inc. ("Toxics Targeting"). Toxics Targeting is based in Ithaca, New York and has been operating since 1980. I have been employed by Toxics Targeting for 15 years. I am the appropriate custodian of records for reports and similar business records provided by Toxics Targeting.

2. Toxics Targeting is a full-service Geographic Information System ("GIS") firm whose business consists of locating, organizing, and supplying to its customers environmental information obtained from public records which is then organized geographically and provided in readable, useful reports showing publicly known environmental hazards within the requested geographic area. Our most common clients are engineers and environmental consultants checking on properties in the course of a real estate transaction, such as a potential purchase of property or a mortgage application. The most common type of report provided by Toxics Targeting is centered on a single address and provides the owner or prospective purchaser maps

and site profiles of known and potential environmental hazards on or within one mile of the subject property address. See Exhibit A for an example of this type of report.

3. Many of the reports Toxics Targeting supplies are incorporated into Phase I Environmental Site Assessments performed in accordance with ASTM E1527-05<sup>1</sup> and intended to constitute “all appropriate inquiries,” as defined in federal regulations, into the property’s environmental history. The information contained in Toxics Targeting’s GIS database exceeds the scope of historical public records a prospective purchaser is required to review in order to comply with ASTM E1527-05. These reports also are used to meet Fannie Mae due diligence requirements.

4. Toxics Targeting regularly queries 27 public databases maintained by local, state, and federal agencies and compiles them into its own internal master GIS database.<sup>2</sup> For example, Toxics Targeting regularly compiles information from the Comprehensive Environmental Response, Compensation, and Liability Information System (“CERCLIS”) database maintained by the United States Environmental Protection Agency and the Spills Information Database maintained by the New York State Department of Environmental Conservation (“NYSDEC”).

5. Toxics Targeting maintains a high degree of confidence in the quality of the data in its GIS database by, among other things, periodically synchronizing its master database with the underlying governmental databases of public records. Depending on the frequency with

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<sup>1</sup> American Society for Testing and Materials Standard #E1527-05, a national technical standard that defines appropriate due diligence by an environmental professional with regard to the identification of potential environmental hazards on or near a piece of property.

<sup>2</sup> Toxics Targeting also maintains and provides limited information from one database compiled from private business records which is a historic utility site database compiled from utility company records and historic maps which provides a limited amount of information, i.e. what utility company assets were historically located at that site.

which underlying active databases are updated, Toxics Targeting updates specific categories of information in its master database as often as on a quarterly basis. Toxics Targeting also maintains a high degree of confidence in the quality of its data by performing all data transfers electronically, with one historical database excepted, thus eliminating any potential for manual transcription errors.<sup>3</sup>

6. All of this publicly available information from governmental agencies which we compile are records, reports, statements, and data compilations setting forth (A) the activities of the public office or agency which provided the information or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report or (C) factual findings resulting from an investigation made pursuant to authority granted by law.

7. Once Toxics Targeting receives this publicly available information, it is a part of our regularly conducted business activities (and in fact the main mission of our company) to then organize these public records by geographic location. For the minority of these records that contain incomplete or erroneous geographic data, we supplement, but do not change, the geographic information already contained in these public records by a variety of methods, such as cross-referencing the public records in our database with each other, cross-referencing public geographic databases (e.g. the NYC City Planning Department's parcel and streets databases), or verifying locations using field observations. Wherever Toxics Targeting augments original record site location information, it identifies both the original and the Toxics Targeting revised location information in its reports, clearly delineating the public information from the supplemental geographic information generated by Toxics Targeting through its business processes.

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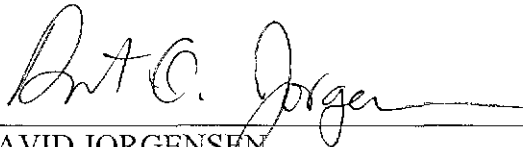
<sup>3</sup> Toxics Targeting master GIS database contains information from one public database – a 1934

8. An excerpt of a report provided by Toxics Targeting in this case is at Exhibit B, provided in March 2008. It reflects DEC's report on Spill #98-04275, which was reported to NYSDEC on July 6, 1998. For comparison, a copy of NYSDEC's report on Spill #98-04275 in the format employed by NYSDEC itself is annexed as Exhibit C. Note that the minor differences between Exhibit B and Exhibit C (such as the change in "resource affected" from "land" to "soil") were apparently made by NYSDEC between the 2003 date of printing for Exhibit C and the 2008 date of generation for Exhibit B; the change resulted from our normal business process of electronically updating our database with the latest information from NYSDEC. Toxics Targeting did not make these minor edits.

[Continued Next Page]

9. We generate reports such as that found in Exhibits A and B in the normal course of our business and they are often relied upon by other professionals in the course of their activities, such as environmental engineers inspecting land on behalf of a potential purchaser in a real estate transaction. I hereby certify that the records provided by Toxics Targeting – from publicly available information which we have compiled, organized, formatted, and supplemented with additional geographic information generated in the normal course of our business by our employees – are (A) made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) kept in the course of regularly conducted activity; and (C) made by the regularly conducted activity as a regular practice.

Dated: July 20, 2009  
Ithaca, New York

  
\_\_\_\_\_  
DAVID JORGENSEN





Aug 5 2009  
11:53AM

# TOXICS TARGETING

**ONSITE**

## **ENVIRONMENTAL DATABASE REPORT**

**138-50 HILLSIDE AVE  
QUEENS, NY 11435**

JULY 07, 2009

## **LIMITED WARRANTY AND DISCLAIMER OF LIABILITY**

### **Who is Covered**

This limited warranty is extended by Toxics Targeting, Inc. only to the original purchaser of the accompanying Environmental Report ("Report"). It may not be assigned to any other person.

### **What is Warranted**

Toxics Targeting, Inc. warrants that it uses reasonable care to accurately transcribe the information contained in this Report from the sources from which it is obtained. This limited warranty is in lieu of all other express warranties which might otherwise arise with respect to the Report. No one is authorized to change or add to this limited warranty.

### **What We Will Do**

If during the warranty period there is shown to be a material error in the transcription of the information contained in this Report from the sources from which it was obtained, Toxics Targeting, Inc. shall refund to the original purchaser the full purchase price paid for the Report. The remedy stated above is the exclusive remedy extended to the Purchaser by Toxics Targeting, Inc. for any failure of the Report to conform with this Warranty, or otherwise for breach of this Warranty or any other warranty, whether expressed or implied.

### **What We Won't Cover**

Toxics Targeting, Inc. has not and can not verify the accuracy, correctness or completion of the information contained in this Report. Information is obtained from government agencies, site owners, and other sources, and errors are common in such information. Because Toxics Targeting, Inc. can not control the accuracy of the information contained in this Report, or the uses which may be made of the information, TOXICS TARGETING, INC. DISCLAIMS LIABILITY TO ANYONE FOR ANY EVENTS ARISING OUT OF THE USE OF THE INFORMATION. TOXICS TARGETING, INC. SHALL NOT BE LIABLE FOR ANY DAMAGE CAUSED BY THIS REPORT, WHETHER DIRECT OR INDIRECT, AND WHETHER OR NOT TOXICS TARGETING, INC. HAS BEEN ADVISED OF OR HAS KNOWLEDGE OF THE POSSIBILITY OF SUCH DAMAGES. TOXICS TARGETING, INC. EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE. Some jurisdictions do not allow the exclusion or limitation of incidental or consequential damages, so the above exclusion or limitation may not apply to you.

### **Period of Warranty**

The period of warranty coverage is ninety days from the date of purchase of this Report. There shall be no warranty after the period of coverage. ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR PARTICULAR USE SHALL HAVE NO GREATER DURATION THAN THE PERIOD OF WARRANTY STATED HERE, AND SHALL TERMINATE AUTOMATICALLY UPON THE EXPIRATION OF SUCH PERIOD. Some jurisdictions do not allow limitations on how long an implied warranty lasts, so the above exclusion or limitation may not apply to you.

**PLEASE REFER TO PAGES ONE AND FOUR FOR A DESCRIPTION OF SOME OF THE LIMITATIONS OF THIS ENVIRONMENTAL REPORT.**

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## **Introduction..... 1**

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- *How to Use Your Report*
- *Toxic Site Databases Analyzed In Your Report*
- *Limitations Of the Information In Your Report*

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- *Table One: Number of Identified Toxic Sites By Distance Interval*
- *Table Two: Identified Toxic Sites By Direction*
- *Table Three: Identified Toxic Sites By Category*
- *Table Four: Identified Toxic Sites By Proximity*
- *Map One: On-Site Radius Close-up Map*
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- *Table Five: Tax Parcel Map Information Table*

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## **Section Three: Appendices**

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- *Unmappable Sites*
- *Hazardous Waste Codes*
- *How Toxic Sites Are Mapped*
- *Information Source Guide*

## ***Introduction***

*Toxics Targeting* has combined environmental database searches, extensive regulatory analysis and sophisticated mapping techniques to produce your *Environmental Report*. It checks for the presence of 25 categories of government-reported toxic sites and provides detailed, up-to-date information on each identified site. The findings of your report are presented in an easy-to-understand format that:

1. ***Maps*** the approximate locations of selected government-reported toxic sites identified on or near a specified target address.
2. ***Estimates*** the distance and direction between the target address and each identified toxic site.
3. ***Reports*** air and water permit non-compliance and other regulatory violations.
4. ***Profiles*** some aspects of the usage, manufacture, storage, handling, transport or disposal of toxic chemicals at individual sites.
5. ***Summarizes*** some potential health effect information and drinking water standards for selected chemicals reported at individual sites.

## ***The Three Sections Of Your Report***

The first section highlights your report's findings by summarizing identified sites according to: **a)** distance intervals, **b)** direction, **c)** proximity to the target address and **d)** individual site categories. In addition, the locations of all identified toxic sites are illustrated on individual maps for each radius search distance used in your report. A close-up map illustrates the locations of all identified toxic sites, at the shortest radius search distance used in your report. Finally, a map of tax parcels and a table of selected information about those parcels are included.

The second section of your report contains *Toxic Site Profiles* that provide detailed information on each identified toxic site. The information in each *Toxic Site Profile* varies according to its source. Some toxic site categories have extensive information and some have limited information. All the information is updated on a regular basis.

The third section of the report contains appendices that identify: **1)** On-site tank data provided by the NYC Fire Marshall, **2)** on-site spills reported to the national Emergency Response Notification System (ERNS), **3)** various toxic sites that cannot be mapped due to incomplete or erroneous addresses or other mapping problems, **4)** codes that characterize hazardous wastes reported at various facilities, **5)** methods used to map toxic sites identified in your report and **6)** information sources used in your report.

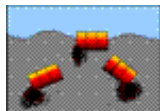
## ***How to Use Your Report***

- Check Table One to see the number of identified sites by distance intervals.
- Check Table Two to see identified sites sorted by direction.
- Check Table Three to see identified sites sorted by site categories.
- Check Table Four to see identified sites ranked by proximity to the target address.
- Use Table Five to get info for the subject parcel and every parcel found on the Tax Parcel Map
- Refer to the various maps to see the locations of identified toxic sites. Refer to the *Toxic Site Profile* and *Appendix* sections for additional information.

# Toxic Site Databases Analyzed In Your Report

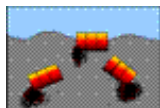
## Search Radius

On-Site



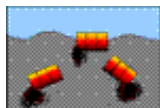
1) ***National Priority List for Federal Superfund Cleanup***: a listing of sites known to pose environmental or health hazards that are being investigated or cleaned up under the Federal Superfund program.

On-Site



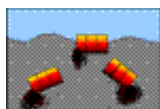
2) ***Delisted National Priority List Sites***: a listing of NPL sites that have been removed from the National Priority List.

On-Site



3) ***New York Inactive Hazardous Waste Disposal Site Registry***: a state listing of sites that can pose environmental or public health hazards requiring investigation or clean up.

On-Site



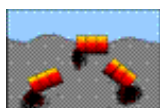
4) ***New York Inactive Hazardous Waste Disposal Site Registry Qualifying***: a state listing of sites that qualify for possible inclusion to the NYDEC Inactive Haz. Waste Disposal Site Registry.

On-Site



5) ***RCRA Corrective Action Activity (CORRACTS)***: waste facilities with RCRA corrective action activity reported by the USEPA.

On-Site



6) ***CERCLIS*** (Comprehensive Environmental Response, Compensation and Liability Information System): a federal listing of Non-NFRAP sites that can pose environmental or public health hazards requiring investigation or clean up.

On-Site



7) ***CERCLIS NFRAP***: a federal listing of CERCLIS sites that have no further remedial action planned.

On-Site



8) ***New York State Brownfield Cleanup Sites***: a listing of sites that are abandoned, idled or under-used industrial and commercial sites where expansion or redevelopment is complicated by real or perceived environmental contamination.

On-Site



9) ***New York Solid Waste Facilities Registry***: active and inactive landfills, incinerators, transfer stations or other solid waste management facilities.

On-Site



10) ***New York City 1934 Solid Waste Sites***: a listing of solid waste disposal sites operated by New York City municipal authorities circa 1934.

On-Site



11) ***New York and Federal Hazardous Waste Treatment, Storage or Disposal Facilities***: sites reported by the NYS manifest system and the USEPA's Resource Conservation and Recovery Act Information System (RCRIS). Also includes the following database:

- ***RCRA violations***: waste facilities with violations reported by the USEPA pursuant to the Resource Conservation and Recovery Act.

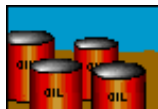
On-Site



12) **Toxic Spills: active and inactive or closed** spills reported to state environmental authorities, including *remediated* and *unremediated* leaking underground storage tanks. This database includes the following categories:

- Tank Failures
- Tank Test Failures
- Unknown Spill Cause or Other Spill Causes
- Miscellaneous Spill Causes

On-Site



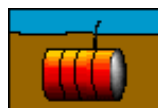
13) **New York State Major Oil Storage Facilities:** sites with more than a 400,000 gallon capacity for storing petroleum products.

On-Site



14) **New York and Local Petroleum Bulk Storage Facilities:** sites with more than an 1,100 gallon capacity for storing petroleum products.

On-Site



15) **New York City Fire Marshall Tanks:** tank data.

On-Site



16) **New York and Federal Hazardous Waste Generators and Transporters:** sites reported by the NYS manifest system and the USEPA's Resource Conservation and Recovery Act Information System (RCRA). Also includes the following database:

- **RCRA violations:** waste facilities with violations reported by the USEPA pursuant to the Resource Conservation and Recovery Act.

On-Site



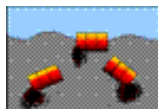
17) **New York Chemical Bulk Storage Facilities:** sites storing hazardous substances listed in 6 NYCRR Part 597 in aboveground tanks with capacities of 185 gallons or more and/or underground tanks of any size

On-Site



18) **Historic New York City Utility Sites (1890's to 1940's):** power generating stations, manufactured gas plants, gas storage facilities, maintenance yards and other gas and electric utility sites.

On-Site



19) **New York Hazardous Substance Disposal Site Draft Study:** a state listing of sites contaminated with toxic substances that can pose environmental or public health hazards. These sites were not eligible for state clean up funding programs.

On-Site



20) **Federal Toxic Release Inventory Facilities:** discharges of selected toxic chemicals to air, land, water or treatment facilities.

On-Site



21) **Federal Air Discharges:** air pollution point sources monitored by U.S. EPA and/or state and local air regulatory agencies.

On-Site



22) ***Federal Permit Compliance System Toxic Wastewater Discharges:*** permitted toxic wastewater discharges.

On-Site



23) ***Federal Civil and Administrative Enforcement Docket:*** judiciary cases filed on behalf of the U. S. Environmental Protection Agency by the Department of Justice.

On-site



24) ***New York City Environmental Quality Review (CEQR) – E Designation Sites:*** parcels assigned a special environmental (“E”) designation under the CEQR process. E designation requires specific protocols that must be followed.

Property only



25) ***ERNS: Federal Emergency Response Notification System Spills:*** a listing of federally reported spills.

## *Limitations Of The Information In Your Report*

The information presented in your *Environmental Report* has been obtained from various local, state and federal government agencies. Please be aware that: **1)** additional information on individual sites may be available, **2)** newly discovered sites are continually reported and **3)** all map locations are approximate. As a result, this report is intended to be the **FIRST STEP** in the process of identifying and evaluating possible environmental threats to specific properties and can only serve as a guide for conducting on-site visits or additional, more detailed toxic hazard research.

*Toxics Targeting* tries to ensure that the information in your report is presented accurately and with minimal alteration. The only systematic changes that are made correct obvious address errors in order to allow sites to be mapped. Any address changes that are made are noted in the map information section at the top of each corresponding *Toxic Site Profile*. Since the information presented in your report is not edited, please be aware that it can contain reporting errors or typographical mistakes made by the site owners/operators or government agencies that produced the information. Please be aware of some other limitations of the information in your report:

- The map used by *Toxics Targeting* is the same one used by the U. S. Census. While the map is generally accurate, no map is perfect. In addition, *Toxics Targeting's* mapping methods estimate where toxic site addresses are located if the address is not specifically designated on the Census map. **FOR THESE REASONS, ALL MAP LOCATIONS OF ADDRESSES AND REPORTED TOXIC SITES SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE VERIFIED BY ON-SITE VISITS;**
- **UNDISCOVERED, UNREPORTED OR UNMAPPABLE TOXIC SITES MIGHT NOT BE IDENTIFIED BY THIS REPORT'S CHECK OF 25 TOXIC SITE CATEGORIES. TOXIC SITES REPORTED IN OTHER GOVERNMENT DATABASES MIGHT ALSO EXIST. FOR THESE REASONS, YOUR REPORT MIGHT NOT IDENTIFY ALL THE TOXIC SITES THAT EXIST IN THE AREA IT SEARCHES;**
- The appendix of your report contains a listing of sites that could not be mapped due to incomplete or erroneous address information or other mapping problems. This listing includes unmappable toxic sites in zip code areas within one mile of the target address as well as toxic sites without zip codes reported in the same county. **IF YOU WOULD LIKE INFORMATION ON ANY OF THE LISTED SITES, PLEASE CONTACT TOXICS TARGETING AND REFER TO THE SITE ID NUMBER.**
- Some toxic sites identified in your report may be classified as **known hazards**. Most of the toxic sites identified in your report involve **potential hazards** related to the on-site use, manufacture, handling, storage, transport or disposal of toxic chemicals. Some of the toxic sites identified in your report may be the addresses of parties responsible for toxic sites located elsewhere. **YOU SHOULD ONLY CONCLUDE THAT TOXIC HAZARDS ACTUALLY EXIST AT A SPECIFIC SITE WHEN GOVERNMENT AUTHORITIES MAKE THAT DETERMINATION OR WHEN THAT CONCLUSION IS FULLY DOCUMENTED BY THE FINDINGS OF AN APPROPRIATE SITE INVESTIGATION UNDERTAKEN BY LICENSED PROFESSIONALS;**
- Compass directions and distances are approximate. Compass directions are calculated from the subject property address to the mapped location of each identified toxic site. The compass direction does not necessarily refer to the closest property boundary of an identified toxic site. The compass direction also can vary substantially for toxic sites that are located very close to the subject property address.
- The information presented in your report is a summary of the information that *Toxics Targeting* obtains from government agencies on reported toxic sites. **YOU MAY BE ABLE TO OBTAIN ADDITIONAL INFORMATION ABOUT REPORTED SITES WITH THE FREEDOM OF INFORMATION REQUEST FORM LETTERS THAT ARE PROVIDED ON THE INSIDE OF THE BACK COVER.**



## Section One:

### Report Summary

• *Table One: Number of Identified Toxic Sites By Distance Interval*

• *Table Two: Identified Toxic Sites By Direction*

• *Table Four: Identified Toxic Sites By Category*

• *Table Three: Identified Toxic Sites By Proximity*

• *Map One: On-Site Radius Close-up Map*

• *Map Two: Tax Parcel Map*

• *Table Five: Tax Parcel Map Information Table*

## NUMBER OF IDENTIFIED SITES BY DISTANCE INTERVAL

Database Searched	0 - 100 ft	100 ft - 1/8 mi	1/8 mi - 1/4 mi	1/4 mi - 1/2 mi	1/2 mi - 1 mi	Site Category Totals
<b>ASTM-Required Databases</b>						
National Priority List (NPL) Sites	0	0	0	0	0	0
NYS Inactive Hazardous Waste Disposal Site Registry	0	0	0	0	0	0
NYS Inactive Haz Waste Disposal Site Registry Qualifying	0	0	0	0	0	0
RCRA Corrective Action (CORRACTS) Sites	0	0	0	0	0	0
Delisted National Priority List (NPL) Sites	0	0	0	0	0	0
CERCLIS Superfund Non-NFRAP Sites	0	0	0	0	0	0
CERCLIS Superfund NFRAP Sites	0	0	0	0	0	0
Brownfields Sites						
Voluntary Cleanup Program	0	0	0	0	0	0
Environmental Restoration Program	0	0	0	0	0	0
Brownfield Cleanup Program	0	0	0	0	0	0
NYSDEC Solid Waste Facilities / Landfills	0	0	0	0	0	0
RCRA Hazardous Waste Treatment, Storage, Disposal Sites	0	0	0	0	0	0
NYS Toxic Spills						
Active Tank Failures	0	0	0	0	0	0
Active Tank Test Failures	0	0	0	0	0	0
Active Spills - Unknown / Other Causes	1	0	0	0	0	1
Active Spills - Miscellaneous Causes	1	0	0	0	0	1
Closed Tank Failures	0	0	0	0	0	0
Closed Tank Test Failures	1	0	0	0	0	1
Closed Spills - Unknown / Other Causes	2	0	0	0	0	2
Closed Spills - Miscellaneous Causes	5	0	0	0	0	5
NYS Major Oil Storage Facilities	0	0	0	0	0	0
Local & State Petroleum Bulk Storage Sites	1	0	0	0	0	1
RCRA Hazardous Waste Generators & Transporters	1	0	0	0	0	1
NYS Chemical Bulk Storage Sites	0	0	0	0	0	0
Historic Utility Facilities	0	0	0	0	0	0
NYC Environmental Quality Review Requirements ("E") Sites*	1	0	0	0	0	1
Emergency Response Notification System (ERNS)	2	Not searched	Not searched	Not searched	Not searched	2
Institutional Controls / Engineering Controls (IC/EC)	See databases for NPL, CERCLIS, Inactive Hazardous Waste Disposal Site Registry and Brownfield Sites.					
<b>ASTM-Required Databases Distance Interval Totals</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15(0)</b>

Numbers in ( ) indicate spills not mapped and profiled in this report, and are listed at the end of the active and closed spills sections. See these lists for a description of the parameters involved with identifying these spills.

\* NYC Environmental Quality Review Requirements ("E") Sites were searched at 250 feet.

NOTE: Table continues on next page.

**Non-ASTM Databases On-Site Only Search**

1934 NYC Municipal Waste Landfills	0	Not searched	Not searched	Not searched	Not searched	0
Hazardous Substance Waste Disposal Sites	0	Not searched	Not searched	Not searched	Not searched	0
Toxic Release Inventory Sites (TRI)	0	Not searched	Not searched	Not searched	Not searched	0
Permit Compliance System (PCS) Toxic Wastewater Discharges	0	Not searched	Not searched	Not searched	Not searched	0
Air Discharges	1	Not searched	Not searched	Not searched	Not searched	1
Civil & Administrative Enforcement Docket Facilities	0	Not searched	Not searched	Not searched	Not searched	0

<b>Non-ASTM Databases Distance Interval Totals</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Distance Interval Totals</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16(0)</b>

Numbers in ( ) indicate spills not mapped and profiled in this report, and are listed at the end of the active and closed spills sections. See these lists for a description of the parameters involved with identifying these spills.

Identified Toxic Sites by Direction

138-50 Hillside Ave  
Queens, NY 11435

\* Compass directions can vary substantially for sites located very close to the subject property address.

Sites less than 100 feet from subject property sorted by distance

Map Id#	Site Name	Site Street	Approximate Distance & Direction From Property	Toxic Site Category
1	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Active Haz Spill (Unknown/Other Cause)
2	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Active Haz Spill (Misc. Spill Cause)
3	EXXON MOBILE#10954	138-50 HILLSIDE AVENUE	0 feet	Closed Status Tank Test Failure
4	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Unk/Other Cause)
5	EXXON MOBILE	13850 HILLSIDE AVE	0 feet	Closed Status Spill (Unk/Other Cause)
6	MOBIL GASOLINE (ZORBAS)	QUEENS BLVD	0 feet	Closed Status Spill (Misc. Spill Cause)
7	MOBIL SERVICE STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
8	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
9	MOBIL	138-50 HILLSIDE AVE	0 feet	Closed Status Spill (Misc. Spill Cause)
10	MOBIL SERVICE 17-HMB	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
11	EXXONMOBIL R/S 10954	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
12	QUEEN HILL SERVICE	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
13	MOBIL	138-50 HILLSIDE AVE	0 feet	Petroleum Bulk Storage Site
14	BLOCK: 9620 LOT: 1	138-50 HILLSIDE AVENUE	0 feet	Hazardous Waste Generator/Transporter
			0 feet	Air Discharge Site
			0 feet	NYC Env. Qual. Review-"E" Designation

Sites between 100 ft and 660 ft from the subject property sorted by direction and distance

Map Id#	Site Name	Site Street	Approximate Distance & Direction From Property	Toxic Site Category
No sites found between 100 feet and 660 feet				

Sites equal to or greater than 660 ft from subject property sorted by direction and distance

Map Id#	Site Name	Site Street	Approximate Distance & Direction From Property	Toxic Site Category
No sites found equal to or greater than 660 ft from subject property				

# Identified Toxic Sites by Category

138-50 Hillside Ave  
Queens, NY 11435

\* Compass directions can vary substantially for sites located very close to the subject property address.

MAP ID <b>1</b>	<b>Active Haz Spills (Unknown Causes &amp; Other Causes) -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: 1/2 Mile</b>	
	FACILITY ID	FACILITY NAME	FACILITY STREET	DISTANCE & DIRECTION
	0504048	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet
MAP ID <b>2</b>	<b>Active Haz Spills (Miscellaneous Spill Causes) -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: 1/2 Mile</b>	
	FACILITY ID	FACILITY NAME	FACILITY STREET	DISTANCE & DIRECTION
	0101410	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet
MAP ID <b>3</b>	<b>Closed Status Tank Test Failures -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: 1/2 Mile</b>	
	FACILITY ID	FACILITY NAME	FACILITY STREET	DISTANCE & DIRECTION
	0612291	EXXON MOBILE#10954	138-50 HILLSIDE AVENUE	0 feet
MAP ID <b>4</b> <b>5</b>	<b>Closed Status Spills (Unknown Causes &amp; Other Causes) -- Total Sites - 2</b>		<b>Database searched at Onsite - ASTM required search distance: 1/2 Mile</b>	
			FACILITY STREET	DISTANCE & DIRECTION
			138-50 HILLSIDE AVENUE	0 feet
MAP ID <b>6</b> <b>7</b> <b>8</b> <b>9</b> <b>10</b>	<b>Closed Status Spills (Miscellaneous Spill Causes) -- Total Sites - 5</b>		<b>Database searched at Onsite - ASTM required search distance: 1/2 Mile</b>	
			FACILITY STREET	DISTANCE & DIRECTION
			QUEENS BLVD	0 feet
MAP ID <b>11</b>	<b>Petroleum Bulk Storage Sites -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: Property &amp; Adjacent</b>	
			FACILITY STREET	DISTANCE & DIRECTION
			138-50 HILLSIDE AVENUE	0 feet
			<b>Database searched at Onsite - ASTM required search distance: Property &amp; Adjacent</b>	
			FACILITY STREET	DISTANCE & DIRECTION
MAP ID <b>12</b>	<b>Hazardous Waste Generators, Transporters -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: Property &amp; Adjacent</b>	
			FACILITY STREET	DISTANCE & DIRECTION
MAP ID <b>13</b>	<b>Air Discharge Sites -- Total Sites - 1</b>		<b>Database searched at Onsite - Non-ASTM Database</b>	
			FACILITY STREET	DISTANCE & DIRECTION
MAP ID <b>14</b>	<b>NYC Env. Quality Review - Env. Designation Sites -- Total Sites - 1</b>		<b>Database searched at Onsite - ASTM required search distance: Onsite Only</b>	
			FACILITY STREET	DISTANCE & DIRECTION
	E-175	BLOCK: 9620 LOT: 1	138-50 HILLSIDE AVENUE	0 feet

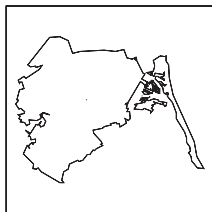
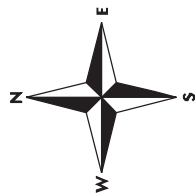
# Identified Toxic Sites by Proximity

## 138-50 Hillside Ave, Queens, NY 11435

\* Compass directions can vary substantially for sites located very close to the subject property address.

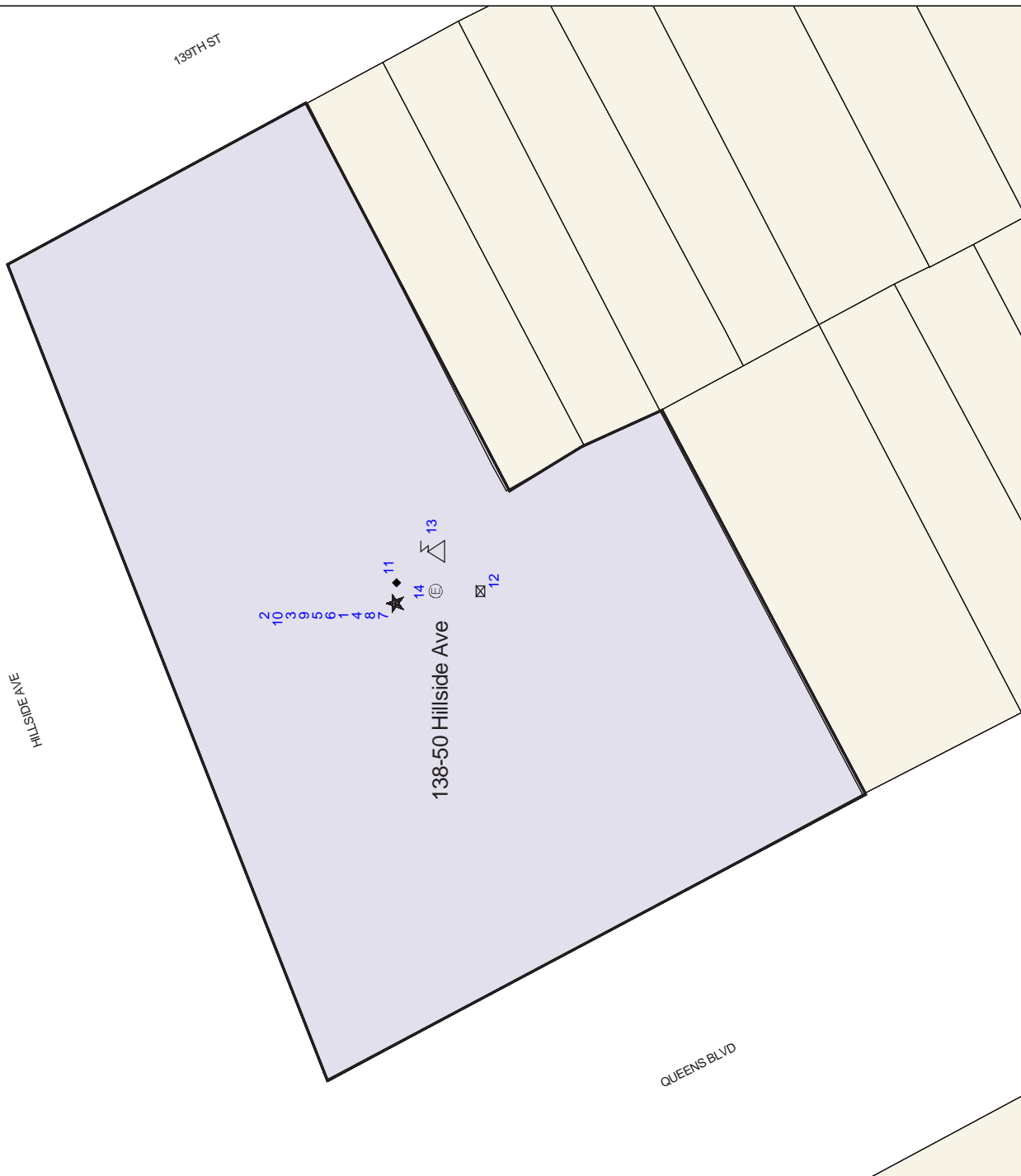
Map Id#	Site Name	Site Street	Approximate Distance From Property	Toxic Site Category
1	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Active Haz Spill (Unknown/Other Cause)
2	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Active Haz Spill (Misc. Spill Cause)
3	EXXON MOBILE#10954	138-50 HILLSIDE AVENUE	0 feet	Closed Status Tank Test Failure
4	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Unk/Other Cause)
5	EXXON MOBILE	13850 HILLSIDE AVE	0 feet	Closed Status Spill (Unk/Other Cause)
6	MOBIL GASOLINE (ZORBAS)	QUEENS BLVD	0 feet	Closed Status Spill (Misc. Spill Cause)
7	MOBIL SERVICE STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
8	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
9	MOBIL	138-50 HILLSIDE AVE	0 feet	Closed Status Spill (Misc. Spill Cause)
10	MOBIL SERVICE 17-HMB	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
11	EXXONMOBIL R/S 10954	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
12	QUEEN HILL SERVICE	138-50 HILLSIDE AVENUE	0 feet	Closed Status Spill (Misc. Spill Cause)
13	MOBIL	138-50 HILLSIDE AVE	0 feet	Petroleum Bulk Storage Site
14	BLOCK: 9620 LOT: 1	138-50 HILLSIDE AVENUE	0 feet	Hazardous Waste Generator/Transporter
			0 feet	Air Discharge Site
			0 feet	NYC Env. Qual. Review-"E" Designation

# Toxics Targeting Onsite Area Map 138-50 Hillside Ave Queens, NY 11435



- Queens County
- |   |  |
|---|--|
| National Priority List (NPL)                    | Delisted NPL Site                          |
| CERCLIS Superfund Non-NFRAP Site                | CERCLIS Superfund NFRAP Site               |
| Inactive Hazardous Waste Disposal Registry Site | Inact. Haz Waste Disp. Registry Qualifying |
| Hazardous Waste Treater, Storer, Disposer       | RCRA Corrective Action Facility            |
| Hazardous Substance Waste Disposal Site         | Solid Waste Facility                       |
| Major Oil Storage Facility                      | Brownfields Site                           |
| Chemical Storage Facility                       | Hazardous Material Spill                   |
| Toxic Release                                   | Petroleum Bulk Storage Facility            |
| Wastewater Discharge                            | Historic Utility Site                      |
| Hazardous Waste Generator, Transp.              | Air Release                                |
| Enforcement Docket Facility                     |  |

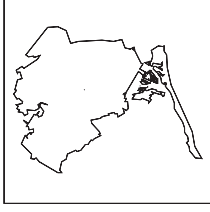
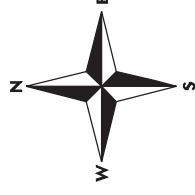
- |               |                 |
|---------------|-----------------|
| Subject Area  | Waterbody       |
| County Border | Railroad Tracks |



Scale: 1 inch = 36 feet

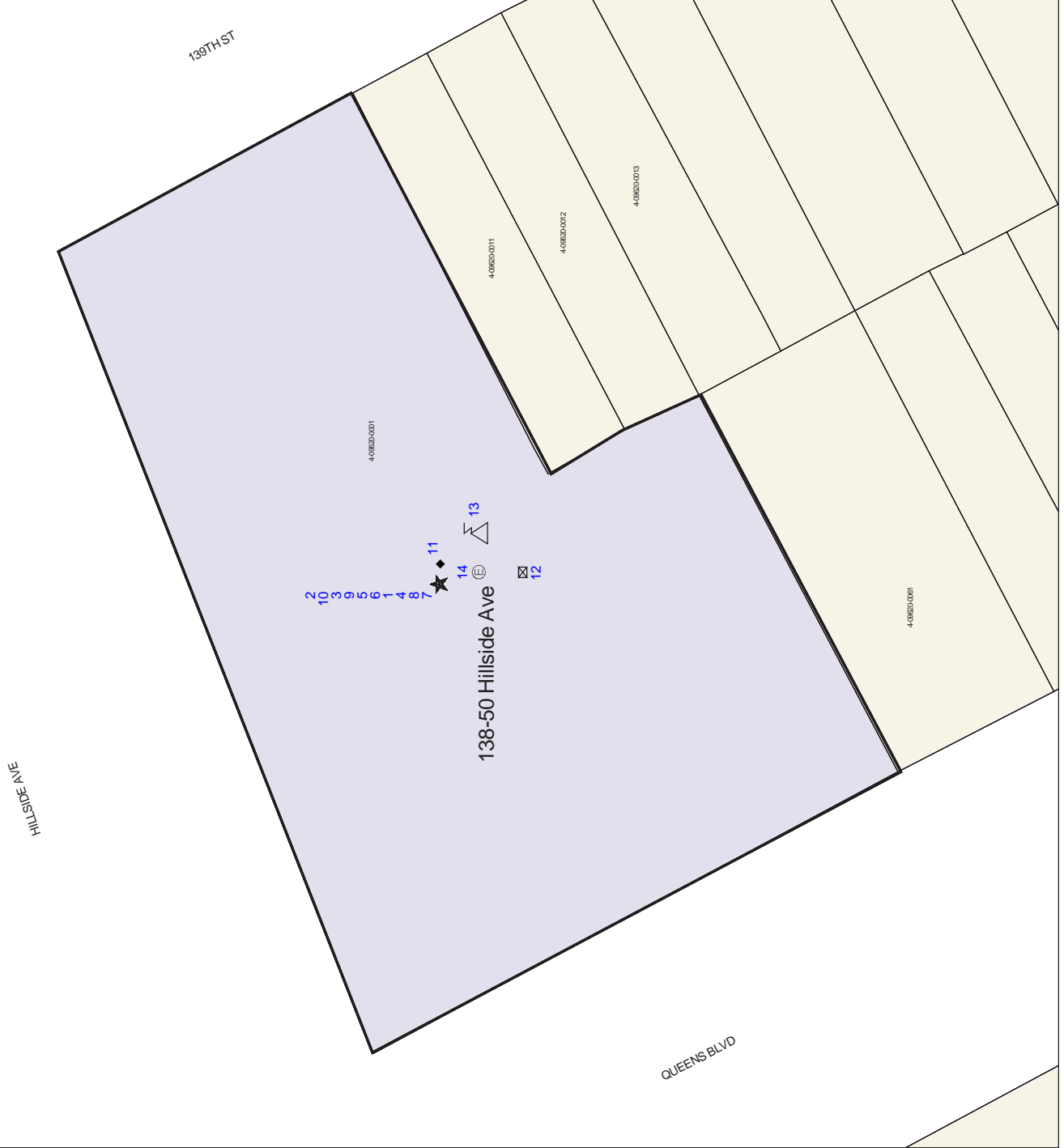
# Toxics Targeting Tax Parcel Map

138-50 Hillside Ave  
Queens, NY 11435



- Queens County
- |   |  |
|---|--|
| National Priority List (NPL)                    | Delisted NPL Site                          |
| CERCLIS Superfund Non-NFRAP Site                | CERCLIS Superfund NFRAP Site               |
| Inactive Hazardous Waste Disposal Registry Site | Inact. Haz Waste Disp. Registry Qualifying |
| Hazardous Waste Treater, Storer, Disposer       | RCRA Corrective Action Facility            |
| Hazardous Substance Waste Disposal Site         | Solid Waste Facility                       |
| Major Oil Storage Facility                      | Brownfields Site                           |
| Chemical Storage Facility                       | Hazardous Material Spill                   |
| Toxic Release                                   | Petroleum Bulk Storage Facility            |
| Wastewater Discharge                            | Historic Utility Site                      |
| Hazardous Waste Generator, Transp.              | Air Release                                |
| Enforcement Docket Facility                     |  |
| Env Qual Review E Designation                   |  |

- |               |                 |
|---------------|-----------------|
| Subject Area  | Waterbody       |
| County Border | Railroad Tracks |



Scale: 1 inch = 36 feet



Tax Parcel Information Table

138-50 Hillside Ave  
Queens, NY 11435

Subject Parcel or Parcels

BBL #	Address	Owner	Zoning	District(s)	Building Class	# of Buildings	Year Built	Assessment	Lot Area
4-09620-0001	138-50 HILLSIDE AVENUE	EXXON MOBIL CORPORATI	C8-1		G4	1	1968	545400	21710

Other Parcels Found On The Tax Parcel Map

BBL #	Address	Owner	Zoning	District(s)	Building Class	# of Buildings	Year Built	Assessment	Lot Area
4-09620-0011	87-84 139 STREET	ROOSEVELT FRANCIS	C8-1	R6	A5	1	1905	14929	2000
4-09620-0012	87-86 139 STREET	WILLIAMS, NATHANIEL	R6	C8-1	A5	1	1905	15136	2000
4-09620-0013	87-88 139 STREET	PROTOPAPAS, GEORGE	R6		B3	1	1905	16800	2000
4-09620-0061	140-15 QUEENS BOULEVARD	SINGER EQUITIES INC	C8-1		V1	0		70200	3900

## Section Two: Toxic Site Profiles

The heading of each *Toxic Site Profile* refers to the site's map location and details:

- The facility name, address, city, state, and zip code (This information does not appear in the headings for Inactive Hazardous Waste Disposal Sites).
- Any changes that were made to a site's address in order to map its location.
- The site mapping method that was used (see ***How Sites are Located***, at the end of this section for more information).

*Toxic Site Profiles* summarize information provided by site owners or operators and government agencies regarding various toxic chemical activities reported at each site, such as:

- Whether chemicals were stored, produced, transported, discharged or disposed of.
- The name of chemicals and their Chemical Abstract Series (CAS) numbers;
- The amount of chemicals and the units (gallons/pounds) the chemical was measured in.
- Whether the site or storage tanks at the site are currently active or inactive.
- Special codes used by government agencies to regulate hazardous waste activities at some sites  
(A complete description of the codes follows the profiles section).

For selected individual chemicals reported at various toxic sites, some potential health effect summary information appears below the site profile. Each potential health effect summary identifies chemicals by name and by Chemical Abstract Series (CAS) Number. An "x" under each potential health effect heading indicates positive toxicity testing results reported by the National Institute of Occupational Safety and Health's Registry of Toxic Effects of Chemical Substances (RTECS). Some chemicals (mostly appearing in profiles of Hazardous Waste facilities), are reported as mixtures, and RTECS health effect information is only available for individual chemicals. In addition, RTECS only provides information on approximately 100,000 common chemicals. Consequently, the absence of potential health effect summary information for a particular chemical identified in a Toxic Site Profile does not necessarily mean that the chemical does not pose potential health effects.

The Maximum Contaminant Level (MCL) in drinking water allowed for selected chemicals is also noted. In most cases, the only applicable MCL has been set by the New York State Department of Health (NYSDOH). Where NYSDOH has not set an MCL, the federal standard, if one exists, is listed and is marked by an asterisk.

Presented below are column headings that describe the health effect definitions used in RTECS and applicable New York State and federal drinking water standards. Reference sources for information presented in this section are also provided.

ACUTE TOX:    **Acute Toxicity:** Short-term exposure to this chemical can cause lethal and non-lethal toxicity effects not included in the following four categories.

TUMOR TOX:    **Tumorigenic Toxicity:** The chemical can cause an increase in the incidence of tumors.

MUTAG TOX:    **Mutagenic Toxicity:** The chemical can cause genetic alterations that are passed from one generation to the next.

**REPRO TOX:** **Reproductive toxicity:** May signify one of the following effects: maternal effects, paternal effects, effects on fertility, effects on the embryo or fetus, specific developmental abnormalities, tumorigenic effects, or effects on the newborn (only positive reproductive effects data for mammalian species are referenced)

**IRRIT TOX:** **Primary Irritant:** The chemical can cause eye or skin irritation

**MCL:** **Drinking Water Standard - Maximum Contaminant Level (MCL)** listed under Drinking Water Supplies, 10 NYCRR Part 5, Subparts 1.51(f),(g), and (h) for NYDOH MCL's and under the Safe Drinking Water Act, 40 CFR 141, Subparts B and G, (\* indicates value for total trihalomethanes) for federal MCL's.

Reference Source for Toxicity Information:

Registry of Toxic Effects of Chemical Substances (RTECS), NIOSH (on-line database); For further information, contact: NIOSH, 4676 Columbia Parkway, Cincinnati, OH, 45226, 800/35-NIOSH.

Reference Source for Drinking Water Standards:

New York State Department of Health, Bureau of Toxic Substances Assessment, 2 University Place, Room 240, Albany, NY 12203, 518/458-6373.

U.S. Environmental Protection Agency, Office of Drinking Water, 401 M St SW, Mailstop WH-556, Washington, DC, 20460, 202/260-5700.

**Inactive Hazardous Waste Disposal Site Classifications:** 1 -- Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or the environment -- immediate action required;

2 -- Significant threat to the public health or environment -- action required;

3 -- Does not Present a significant threat to the environment or public health -- action may be deferred;

4 -- Site properly closed --requires continued management;

5 -- Site properly closed, no evidence of present or potential adverse impact -- no further action required;

2a -- This temporary classification has been assigned to sites where there is inadequate data to assign them to the five classifications specified by law.

D1, 2, 3 -- Delisted Site (1: hazardous waste not found; 2: remediated; 3: consolidated site or site incorrectly listed)



***NO NATIONAL PRIORITIES LIST (NPL) SITES IDENTIFIED WITHIN THE SEARCH AREA***



**NO INACTIVE HAZARDOUS WASTE DISPOSAL REGISTRY OR REGISTRY-QUALIFYING SITES IDENTIFIED WITHIN THE SEARCH AREA**



**NO RCRA CORRECTIVE ACTION SITES IDENTIFIED WITHIN THE SEARCH AREA**



**NO CERCLIS SUPERFUND SITES IDENTIFIED WITHIN THE SEARCH AREA**

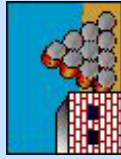


**NO BROWNFIELDS SITES IDENTIFIED WITHIN THE SEARCH AREA**





**NO SOLID WASTE FACILITIES IDENTIFIED WITHIN THE SEARCH AREA**



**NO HAZARDOUS WASTE TREATMENT/STORAGE/DISPOSERS IDENTIFIED WITHIN THE SEARCH AREA**



## HAZARDOUS MATERIAL SPILLS INTRODUCTION

The Hazardous Material Spills in this section are divided into eight spill cause groupings. These include:

Active Spills Section: Spills with incomplete paperwork that may or may not be cleaned up (See Date Cleanup Ceased)

- 1) Tank Failures
- 2) Tank Test Failures
- 3) Unknown Spill Cause or Other Spill Cause Hazardous Spills
- 4) Miscellaneous Spill Causes: Equipment Failure, Human Error, Tank Overfill, Deliberate Spill, Traffic Accidents, Housekeeping, Abandoned Drum, and Vandalism.

Closed Status Spills Section: Spills with completed paperwork that may or may not be cleaned up (See Date Cleanup Ceased)

- 5) Tank Failures
- 6) Tank Test Failures
- 7) Unknown Spill Cause or Other Spill Cause Hazardous Spills
- 8) Miscellaneous Spill Causes: Equipment Failure, Human Error, Tank Overfill, Deliberate Spill, Traffic Accidents, Housekeeping, Abandoned Drum, and Vandalism.

All spills within each spill cause category are presented in order of proximity to the subject site address.

**Please note that spills reported within 0.25 mile (or one-eighth mile in New York City) are mapped and profiled.**

**Between 0.25 mile (or one-eighth mile in New York City) and 0.5 mile, only the following spills are mapped and profiled:**

- \* Tank Failures;
- \* Tank Test Failures;
- \* Unknown Spill Cause or Other Spill Cause;
- \* Spills greater than 100 units of quantity; and
- \* Spills reported in the NYSDEC Fall 1998 MTBE Survey.

A table at the end of each section presents a listing of reported Miscellaneous Spills with less than 100 units located between 0.25 mile (or one-eighth mile in Manhattan) and 0.5 mile. These spills are neither mapped nor profiled.



**NO ACTIVE TANK FAILURES IDENTIFIED WITHIN THE SEARCH AREA**



***NO ACTIVE TANK TEST FAILURES IDENTIFIED WITHIN THE SEARCH AREA***

**ACTIVE UNKNOWN CAUSE SPILLS AND OTHER CAUSE SPILLS IDENTIFIED WITHIN THE SEARCH AREA**

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 1**      **MOBIL GAS STATION**  
138-50 HILLSIDE AVENUE

JAMAICA, NY

**Spill Number: 0504048**

**Close Date:**  
TT-Id: 520A-0135-244

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**

Revised street: NO CHANGE  
Revised zip code: NO CHANGE

Source of Spill: INSTITUTIONAL, EDUC, GOV, OTHER  
Notifier Type: Other  
Caller Name: STEVE GORDON  
DEC Investigator: MDMACCCAB

Spiller: STEVE GORDON - HILLSIDE AVE &  
Notifier Name: STEVE GORDON  
Caller Agency: AMERICAN SITE RESTORATION  
Contact for more spill info: STEVE GORDON

Spiller Phone: (631) 833-0022  
Notifier Phone: (631) 833-0022  
Caller Phone: (631) 833-0022  
Contact Person Phone: (631) 833-0022

**Spill Class:** KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended	
07/06/2005		OTHER	NO	NO	
Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Resource(s) Affected
GASOLINE	PETROLEUM	0	GALLONS	0	GALLONS GROUNDWATER

**Caller Remarks:**

**DURING DIGGING CAME UPON SOIL CONTAMINATION:**

**DEC Investigator Remarks:**

7/7/05 - Austin - Spoke with Steve Gordon - He said that he was drilling on a Brownsfield site (Dura-spec, under Iona Munteanu's supervision), when he encountered floating gasoline product on the water table. He suspects a Mobil gas station at 138-50 Hillside Ave. (spill #0101410, assigned to Mike MacCabe in Albany). I gave him MacCabe's number, and told him to keep Iona informed of this matter. - end

**ACTIVE HAZARDOUS SPILLS - MISC. SPILL CAUSES - EQUIPMENT FAILURE, HUMAN ERROR, TANK OVERFILL, DELIBERATE SPILL, TRAFFIC ACCIDENT, HOUSEKEEPING, ABANDONED DRUM, AND VANDALISM - IDENTIFIED WITHIN THE SEARCH AREA.**

All spills mapped and profiled within 1/4 mile. Between 1/4 mile and the search area, spills reported to be greater than 100 units and spills reported in the NYSDEC Fall 1998 MTBE Survey are mapped and profiled. Spills reported to be less than 100 units are listed in a table at the end of this section.

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 2**      **MOBIL GAS STATION**  
138-50 HILLSIDE AVENUE

JAMAICA, NY

**Spill Number: 0101410**

**Close Date:**  
TT-Id: 520A-0136-529

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)

Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**

Revised street: NO CHANGE

Revised zip code: NO CHANGE

Source of Spill: TANK TRUCK

Notifier Type: Responsible Party

Caller Name: BARRON ANDREWS

DEC Investigator: MDMACCAB

Spiller:

Notifier Name: ROBERT GRAY

Caller Agency: MOBIL OIL

Contact for more spill info:

MELISSA WINSOR - EXXONMOBIL

Spiller Phone: (908) 474-3613

Notifier Phone:

Caller Phone: (516) 239-8200

Contact Person Phone:

**Spill Class:** KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

**Spill Date**      **Date Cleanup Ceased**

**Cause of Spill**

**Meets Cleanup Standards**

**Penalty Recommended**

05/06/2001

TANK OVERFILL

NO

NO

**Material Spilled**

**Material Class**

**Quantity Spilled**

**Units**

**Quantity Recovered**

**Units**

**Resource(s) Affected**

GASOLINE

PETROLEUM

0

GALLONS

0

GALLONS

SOIL

**Caller Remarks:**

TANK OVERFILL - FIRE DEPT ON SCENE CLEANING UP SPILL

**DEC Investigator Remarks:** NO DEC INVESTIGATOR REMARKS GIVEN FOR THIS SPILL.

THE FOLLOWING ACTIVE SPILLS FOR THIS CATEGORY WERE REPORTED BETWEEN 1/4 MILE AND THE SEARCH AREA FROM THE SUBJECT ADDRESS. THESE SPILLS WERE REPORTED TO BE LESS THAN 100 UNITS IN QUANTITY AND CAUSED BY: EQUIPMENT FAILURE, HUMAN ERROR, TANK OVERFILL, DELIBERATE SPILL, TRAFFIC ACCIDENT, HOUSEKEEPING, ABANDONED DRUM, OR VANDALISM. THESE SPILLS ARE NEITHER MAPPED NOR PROFILED IN THIS REPORT.

FACILITY ID      FACILITY NAME  
No dropped spills found for this category

STREET

CITY





***NO CLOSED STATUS TANK FAILURES IDENTIFIED WITHIN THE SEARCH AREA***



### CLOSED STATUS TANK TEST FAILURES IDENTIFIED WITHIN THE SEARCH AREA

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 3**      **EXXON MOBILE#10954**      **Spill Number: 0612291**      **Close Date: 05/15/2007**  
 138-50 HILLSIDE AVENUE      JAMAICA, NY      TT-Id: 520A-0136-528

#### MAP LOCATION INFORMATION

Site location mapped by: MANUAL MAPPING (3)  
 Approximate distance from property: 0 feet

#### ADDRESS CHANGE INFORMATION

Revised street: NO CHANGE  
 Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION      Spiller: SARA ALBERT - EXXON MOBILE#10954      Spiller Phone: (860) 466-7571  
 Notifier Type: Other      Notifier Name:      Notifier Phone:       
 Caller Name:      Caller Agency:      Caller Phone:       
 DEC Investigator: BKFALVEY      Contact for more spill info: SARA ALBERT      Contact Person Phone: (860) 466-7571

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
02/08/2007		TANK TEST FAILURE	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	0	GALLONS	0	GALLONS	SOIL

#### TANK TEST INFORMATION

Tank Number	Tank Size	Tank Test Method	Leak Rate	Gross Leak or Failure
3	4000	Horne EZ Check I or II	0.00	UNKNOWN

#### Caller Remarks:

Tank Test Failure. Fuel will be removed by Island Pump and Tank. Kleinfelder will be sent to investigate the tank.

DEC Investigator Remarks:

2/9/07 bf: sent ttf letter to:  
John Sатурley  
Exxonmobil Oil Corp.  
12596 Bayaud Ave.  
Lakewood, CO 80228

4/20/07 Received letter from Anthony Soricelli of Kleinfelder. Tank was tested on 2/8/07 by Crompco. 20 gal. of gasoline detected in the interstitial space of 4K tank. Inner tank failed. Island Pump and tank was on-site to remove the product in the interstitial space. No gasoline was detected in monitor wells or tank field wells. Outer wall was tested and found to be tight. Tank test results attached to letter. bf

5/15/07 No release of product, so no further action is required at this time. bf

**CLOSED STATUS UNKNOWN CAUSE SPILLS AND OTHER CAUSE SPILLS IDENTIFIED WITHIN THE SEARCH AREA**

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 4**      **MOBIL GAS STATION**      **Spill Number: 9801762**      **Close Date: 05/11/1998**  
138-50 HILLSIDE AVENUE      JAMAICA, NY      TT-Id: 520A-0136-533

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**

Revised street: NO CHANGE  
Revised zip code: NO CHANGE

Source of Spill: UNKNOWN

Notifier Type: Responsible Party

Caller Name: MR PERODEAU

DEC Investigator: SMMARTIN

Spiller: MR PERODEAU - MOBIL GAS

Notifier Name: EMPLOYEE

Caller Agency: MOBIL OIL

Contact for more spill info:

Spiller Phone: (516) 239-0575

Notifier Phone:

Caller Phone: (516) 239-0575

Contact Person Phone: (718) 297-2177

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
05/11/1998		UNKNOWN	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	5.00	GALLONS	0.00	GALLONS	SOIL

Caller Remarks:

DELIVERY TRUCK WAS MAKING A DELIVERY THERE AND UNK HOW SPILL OCC'D

DEC Investigator Remarks:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "MARTINKAT"  
SEE ALSO 9801767

**Map Identification Number 5**      **EXXON MOBILE**  
13850 HILLSIDE AVE

**Spill Number: 0712393**      **Close Date: 02/26/2008**  
TT-Id: 520A-0214-358

JAMACIA, NY

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: NO CHANGE  
Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION  
Notifier Type: Responsible Party  
Caller Name:  
DEC Investigator: smsanges

Spiller: TED ZORBES - EXXON MOBILE  
Notifier Name:  
Caller Agency:  
Contact for more spill info: TED ZORBES

Spiller Phone:  
Notifier Phone:  
Caller Phone:  
Contact Person Phone: (718) 465-5656

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
02/22/2008		UNKNOWN	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
#2 FUEL OIL	PETROLEUM	5.00	GALLONS	5.00	GALLONS	SOIL

Caller Remarks:

ALL CLEANED UP

DEC Investigator Remarks:

minor spill - all cleaned



**CLOSED STATUS HAZARDOUS SPILLS - MISC. SPILL CAUSES - EQUIPMENT FAILURE, HUMAN ERROR, TANK OVERFILL, DELIBERATE SPILL, TRAFFIC ACCIDENT, HOUSEKEEPING, ABANDONED DRUM, AND VANDALISM - IDENTIFIED WITHIN THE SEARCH AREA.**  
All spills mapped and profiled within 1/4 mile. Between 1/4 mile and the search area, spills reported to be greater than 100 units and spills reported in the NYSDEC Fall 1998 MTBE Survey are mapped and profiled. Spills reported to be less than 100 units are listed in a table at the end of this section.

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 6 MOBIL GASOLINE (ZORBAS)**  
QUEENS BLVD

QUEENS, NY

**Spill Number: 9807097**

**Close Date: 09/10/1998**  
TT-Id: 520A-0136-534

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)

Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**

Revised street: 138-50 HILLSIDE AVENUE

Revised zip code: 11435

Source of Spill: GASOLINE STATION

Notifier Type: Citizen

Caller Name: MICHELE SALERNO

DEC Investigator: SMMARTIN

Spiller: MOBIL GASOLINE (ZORBAS)

Notifier Name: MICHELE SALERNO

Caller Agency: CITIZEN

Contact for more spill info: CALLER

Spiller Phone:

Notifier Phone: (516) 737-1296

Caller Phone: (516) 737-1296

Contact Person Phone: (516) 737-1296

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended		
09/10/1998		EQUIPMENT FAILURE	NO	NO		
Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	0	GALLONS	0	GALLONS	SOIL

**Caller Remarks:**

CALLER REPORTED USING NOZZEL AT STATION AND NOZZEL WOULD NOT SHUT OFF. SHE NOTIFIED THE ATTENDANT & MANAGER. MANAGERS RESPONSE WAS THAT IT WAS THE CALLERS FAULT. NO CLEANUP WAS DONE. CALLER WOULD ESTIMATE SPILL AT ABOUT 3 GALLONS. SPILLED GAS ALSO GOT ON CALLERS CLOTHING.

**DEC Investigator Remarks:**

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "MARTINKAT"  
CALLER'S WORK # IS (718)526-4139 UNTIL 3PM.

SHE SAID THEY WOULD ONLY FIX IT IF IT HAPPENED AGAIN.

138-50 HILLSIDE AVENUE.MANAGER : RAMISH DERSAUD.

CUSTOMER PUMPING GAS - \$3 WAS REFUNDED - THEY SAY LESS THAN \$1 GAS WAS SPILLED ON GROUND. PUT SPEEDY DRY + SWEEP IT UP THEN  
WASHED IT DOWN WITH WATER.REMESH.

FAX TO ECS

**Map Identification Number 7**      **MOBIL SERVICE STATION**  
138-50 HILLSIDE AVENUE

JAMAICA, NY

**Spill Number: 9409159**

**Close Date: 03/29/1995**  
TT-Id: 520A-0136-532

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)

Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**

Revised street: NO CHANGE

Revised zip code: NO CHANGE

Source of Spill: TANK TRUCK

Notifier Type: Fire Department

Caller Name: TOM BYRES

DEC Investigator: O'DOWD

Spiller: MOBIL

Notifier Name:

Caller Agency: NYCFD

Contact for more spill info:

Spiller Phone: (718) 297-2177

Notifier Phone:

Caller Phone: (718) 476-6244

Contact Person Phone:

**Spill Class:** KNOWN RELEASE THAT CREATES A FIRE OR HAZARD;DEC RESPONSE;UNKNOWN RESPONSIBLE PARTY;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
10/10/1994	03/29/1995	EQUIPMENT FAILURE	UNKNOWN	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	150.00	GALLONS	0.00	GALLONS	SEWER

Caller Remarks:

FILLING TANK OVERFILLED INTO STREET & SEWER NYCFD ON SCENE. CONTACTING A CONTRACTOR. WOULD LIKE A CALL BACK. 10/10/94 FD REPRESENTATIVES, MOBIL REP & DEP. MOBIL REP ON SCENE. FD LEFT SCENE.

DEC Investigator Remarks: NO DEC INVESTIGATOR REMARKS GIVEN FOR THIS SPILL.

**Map Identification Number 8**      **MOBIL GAS STATION**  
138-50 HILLSIDE AVENUE

**Spill Number: 9402398**      **Close Date: 02/11/2003**  
TT-Id: 520A-0136-531

JAMAICA, NY

MAP LOCATION INFORMATION

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: NO CHANGE  
Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION  
Notifier Type: Other  
Caller Name: KIEBH YOCIS  
DEC Investigator: SULLIVAN

Spiller: JAY KIRK  
Notifier Name:  
Caller Agency: LEGGETTE BRASHEARST & GRA  
Contact for more spill info:

Spiller Phone: (516) 371-1527  
Notifier Phone:  
Caller Phone: (203) 762-1207  
Contact Person Phone:

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
05/17/1994		TANK OVERFILL	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	-1.00	POUNDS	0.00	POUNDS	SOIL

Caller Remarks:

DISCOVERED SOIL IN EXCAVATION FOR NEW CANOPE.

DEC Investigator Remarks: DEC INVESTIGATOR REMARKS NOT AVAILABLE FOR THIS SPILL ACCORDING TO THE LAST UPDATE.

**The following DEC Investigator Remarks were available prior to 1/1/2002:**

10/10/95: This is additional information about material spilled from the translation of the old spill file: POSS. HISTORICAL SPI.

**Map Identification Number 9**      **MOBIL**  
138-50 HILLSIDE AVE

**Spill Number: 0809073**

**Close Date: 11/12/2008**  
TT-Id: 520A-0224-068

JAMAICA, NY

MAP LOCATION INFORMATION

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: NO CHANGE  
Revised zip code: NO CHANGE



Source of Spill: GASOLINE STATION  
Notifier Type: Other  
Caller Name:  
DEC Investigator: smsanges

Spiller: TED ZORBAS - TED ZORBAS  
Notifier Name:  
Caller Agency:  
Contact for more spill info: KERRY MILTON

Spiller Phone:  
Notifier Phone:  
Caller Phone:  
Contact Person Phone: (800) 997-7725

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date 11/10/2008 Date Cleanup Ceased Meets Cleanup Standards NO Penalty Recommended

EQUIPMENT FAILURE NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
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GASOLINE	PETROLEUM	5.00	GALLONS	0.00	GALLONS	
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Caller Remarks:

CALLER STATES THAT THERE WAS ABOUT 5 GALLONS OF GASOLINE IN THE SUMP. PRODUCT WAS PUMPED OUT BY LORCO PETROLEUM.

DEC Investigator Remarks:

Minor spill in sump - dealt with by Lorco Petroleum

Map Identification Number 10 MOBIL SERVICE 17-HMB  
138-50 HILLSIDE AVENUE

Spill Number: 0109472

Close Date: 03/10/2003  
TT-Id: 520A-0136-530

MAP LOCATION INFORMATION  
Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: NO CHANGE  
Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION  
Notifier Type: Local Agency  
Caller Name: JOHN WOLF  
DEC Investigator: EXROSSAN

Spiller: UNKNOWN  
Notifier Name: AL SHOEN  
Caller Agency: GEOLOGIC SERVICES CO  
Contact for more spill info: JOHN WOLF

Spiller Phone:  
Notifier Phone: (908) 874-4938  
Caller Phone: (631) 285-6684  
Contact Person Phone: (631) 285-6684

Spill Class: KNOWN RELEASE THAT CREATES POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended		
12/27/2001		EQUIPMENT FAILURE	NO	NO		
Material Spilled		Material Class	Quantity Spilled	Quantity Recovered	Units	Resource(s) Affected
MOTOR OIL		PETROLEUM	0	GALLONS	0	GALLONS SOIL

## Caller Remarks:

caller states while replacing the spill containment bucket and found contaminated soil - clean up tomorrow

## DEC Investigator Remarks:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "ROSSAN"

Called Jhon Wolf 12/27/01, Who Confirmed That Contractor Will Remove Contaminated Soil On 12/28/01 .03/10/2003- Closed Due To The Nature / Extent Of The Spill Report.

THE FOLLOWING CLOSED SPILLS FOR THIS CATEGORY WERE REPORTED BETWEEN 1/4 MILE AND THE FROM THE SUBJECT ADDRESS. THESE SPILLS WERE REPORTED TO BE LESS THAN 100 UNITS IN QUANTITY AND CAUSED BY: EQUIPMENT FAILURE, HUMAN ERROR, TANK OVERFILL, DELIBERATE SPILL, TRAFFIC ACCIDENT, HOUSEKEEPING, ABANDONED DRUM, OR VANDALISM. THESE SPILLS ARE NEITHER MAPPED NOR PROFILED IN THIS REPORT.

FACILITY ID FACILITY NAME

No dropped spills found for this category

STREET

CITY



**NO OIL STORAGE FACILITIES LARGER THAN 400,000 GALLONS IDENTIFIED WITHIN THE SEARCH AREA**



# **PETROLEUM BULK STORAGE FACILITIES LESS THAN 400,000 GALLONS IDENTIFIED WITHIN THE SEARCH AREA**

PLEASE NOTE: \* Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 11**      **EXXONMOBIL R/S 10954**  
138-50 HILLSIDE AVENUE

JAMAICA, 11435

**Facility Id: 2-157228**

**Source: NYS DEC**  
TT-Id: 640A-0048-480

## MAP LOCATION INFORMATION

Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: 13850 HILLSIDE AVENUE  
Revised zip code: NO CHANGE

Facility Type: Retail Gasoline Sales

Site Status: Active

Expiration Date of the facility's registration certificate: 10/29/2012

Operator Name: STATION MANAGER

Owner Name: HEATHER GILMORE - AGENT

Owner Company: EXXONMOBIL OIL CORPORATION

Owner Address: 3225 GALLOWES RD, FAIRFAX, VA 22037

Operator Phone #: (718) 297-2180

Owner Type: Corporate or Commercial

TANK NUMBER	TANK STATUS	TANK CONTENT	CAPACITY GALLONS	TANK LOCATION	INSTALL DATE	TEST DATE	CLOSE DATE
001	Closed Prior to Micro Conversion, 03/91	#2 Fuel Oil	1000	Underground	12/01/1975		
002	Closed Prior to Micro Conversion, 03/91	Other	550	Underground	12/01/1975		
003	Closed Prior to Micro Conversion, 03/91	Gasoline	4000	Underground	12/01/1972		
004	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
005	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
006	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
007	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
008	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
009	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
010	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
011	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
012	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
013	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
014	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
015	Closed Prior to Micro Conversion, 03/91	Gasoline	550	Underground	12/01/1968		
016	In Service	Gasoline	550	Underground	12/01/1968		
017	In Service	Gasoline	4000	Underground	09/01/1989	09/01/1996	
018	In Service	Gasoline	4000	Underground	09/01/1989	09/01/1996	
019	In Service	Gasoline	4000	Underground	09/01/1989	09/01/1996	

\*\*\*\* TANK INFO CONTINUES ON NEXT PAGE \*\*\*\*

020	In Service	Gasoline	4000	Underground	09/01/1989	09/01/1996
021	In Service	#2 Fuel Oil	1000	Underground	09/01/1989	
022	Closed - Removed	Waste Oil/Used Oil	1000	Underground	11/01/1989	03/14/2007
021A	Administratively Closed	Other	1000	Underground	09/01/1989	
023	In Service	Waste Oil/Used Oil	250	Aboveground on crib, rack, or cradle	03/01/2007	
TANK NUMBER: 001						
TANK EXT. PROTECTION: None						
TANK LEAK DETECTN: None						
PIPING EXT. PROTECTN: None						
PIPING TYPE: Galvanized Steel						
OVERFILL PROTECTION: None						
TANK TYPE: Steel/Carbon Steel/Iron						
TANK LEAK DETECTN: None						
PIPING LEAK DETECTN: None						
PIPING LOCATION: No Piping						
SPILL PREVENTION: Suction						
DISPENSER METHOD: Suction						
TK INT. PROTECTION: None						
TK SEC. CONTAINMNT: None						
PIPE SEC. CONTAINMNT: None						
DISPENSER METHOD: Suction						
TK INT. PROTECTION: None						
TK SEC. CONTAINMNT: None						
PIPE SEC. CONTAINMNT: None						
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PIPE SEC. CONTAINMNT: None						
DISPENSER METHOD: Suction						
TK INT. PROTECTION: None						
TK SEC. CONTAINMNT: None						
PIPE SEC. CONTAINMNT: None						
DISPENSER METHOD: Suction						
TK INT. PROTECTION: None						
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TK SEC. CONTAINMNT: None						
PIPE SEC. CONTAINMNT: None						
DISPENSER METHOD: Suction						
TK INT. PROTECTION: None						
TK SEC. CONTAINMNT: None						
PIPE SEC. CONTAINMNT: None						
DISPENSER METHOD: Suction						
TK INT. PRO						

PIPING TYPE: OVERFILL PROTECTION:	Galvanized Steel None	PIPING LOCATION: SPILL PREVENTION:	No Piping	DISPENSER METHOD:	Suction
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	008 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	TK INT. PROTECTION: TK SEC. CONTAINMNT: PIPE SEC. CONTAINMNT:	None None None
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	009 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	TK INT. PROTECTION: TK SEC. CONTAINMNT: PIPE SEC. CONTAINMNT:	None None None
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	010 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	DISPENSER METHOD:	Suction
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	011 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	TK INT. PROTECTION: TK SEC. CONTAINMNT: PIPE SEC. CONTAINMNT:	None None None
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	012 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	DISPENSER METHOD:	Suction
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	013 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	TK INT. PROTECTION: TK SEC. CONTAINMNT: PIPE SEC. CONTAINMNT:	None None None
TANK NUMBER: TANK EXT. PROTECTION: PIPING EXT. PROTECTN: PIPING TYPE: OVERFILL PROTECTION:	014 None None Galvanized Steel None	TANK TYPE: TANK LEAK DETECTN: PIPING LEAK DETECTN: PIPING LOCATION: SPILL PREVENTION:	Steel/Carbon Steel/Iron None No Piping	DISPENSER METHOD:	Suction
				TK INT. PROTECTION: TK SEC. CONTAINMNT: PIPE SEC. CONTAINMNT:	None None None
				DISPENSER METHOD:	Suction

\*\*\*\* TANK INFO FOR THIS SITE CONTINUES ON NEXT PAGE \*\*\*\*

TANK NUMBER: 015	TANK TYPE: Steel/Carbon Steel/Iron	TK INT. PROTECTION: None
TANK EXT. PROTECTION: None	TANK LEAK DETECTN: None	TK SEC. CONTAINMNT: None
PIPING EXT. PROTECTN: None	PIPING LEAK DETECTN: No Piping	PIPE SEC. CONTAINMNT:
PIPING TYPE: Galvanized Steel	PIPING LOCATION:	DISPENSER METHOD: Suction
OVERFILL PROTECTION: None	SPILL PREVENTION:	
TANK NUMBER: 016	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Pressurized Piping Leak Detector	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Submersible
OVERFILL PROTECTION: Automatic Shut-Off	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 017	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Pressurized Piping Leak Detector	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Submersible
OVERFILL PROTECTION: Automatic Shut-Off	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 018	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Pressurized Piping Leak Detector	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Submersible
OVERFILL PROTECTION: High Level Alarm	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 019	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Pressurized Piping Leak Detector	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Submersible
OVERFILL PROTECTION: High Level Alarm	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 020	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Pressurized Piping Leak Detector	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Submersible
OVERFILL PROTECTION: High Level Alarm	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 021	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: Fiberglass	PIPING LEAK DETECTN: Exempt Suction Piping	PIPE SEC. CONTAINMNT: Double-Walled (Underground)
PIPING TYPE: Fiberglass Reinforced Plastic (FRP)	PIPING LOCATION: Underground/On-ground	DISPENSER METHOD: Suction
OVERFILL PROTECTION: Automatic Shut-Off	SPILL PREVENTION: Catch Basin	
TANK NUMBER: 022	TANK TYPE: Fiberglass Reinforced Plastic (FRP)	TK INT. PROTECTION: None
TANK EXT. PROTECTION: Fiberglass	TANK LEAK DETECTN: Interstitial - Electronic Monitoring	TK SEC. CONTAINMNT: Double-Walled (Underground)
PIPING EXT. PROTECTN: None	PIPING LEAK DETECTN: None	PIPE SEC. CONTAINMNT:

\*\*\*\* TANK INFO FOR THIS SITE CONTINUES ON NEXT PAGE \*\*\*\*

PIPING TYPE: No Piping  
OVERFILL PROTECTION: High Level Alarm

TANK NUMBER: 021A  
TANK EXT. PROTECTION: Fiberglass  
PIPING EXT. PROTECTN: Original Sacrificial Anode  
PIPING TYPE: Galvanized Steel  
OVERFILL PROTECTION: None

TANK NUMBER: 023  
TANK EXT. PROTECTION: None  
PIPING EXT. PROTECTN: None  
PIPING TYPE: No Piping  
OVERFILL PROTECTION: Vent Whistle

PIPING LOCATION:	No Piping
SPILL PREVENTION:	Catch Basin

Fiberglass Reinforced Plastic (FRP)

TANK TYPE: Steel/Carbon Steel/Iron  
TANK LEAK DETECTN: Interstitial - Electronic Monitoring  
PIPING LEAK DETECTN: None  
PIPING LOCATION: No Piping  
SPILL PREVENTION: Catch Basin

DISPENSER METHOD:

TK INT. PROTECTION:	None
TK SEC. CONTAINMENT:	Double-Walled (Underground)
PIPE SEC. CONTAINMENT:	

DISPENSER METHOD: Suction

TK INT. PROTECTION:	None
TK SEC. CONTAINMENT:	Modified Dbi-Walled (Abovegrd)
PIPE SEC. CONTAINMENT:	None

DISPENSER METHOD: Suction





HAZARDOUS WASTE GENERATORS/TRANSPORTERS IDENTIFIED WITHIN THE SEARCH AREA

PLEASE NOTE: \* Compass directions can vary substantially for sites located very close to the subject property address.

<b>Map Identification Number 12</b>	<b>NYSDEC Name:</b> NYSDEC Address: EPA (RCRA) Name: EPA (RCRA) Address:	<b>QUEEN HILL SERVICE</b> 138-50 HILLSIDE AVENUE MOBIL OIL CORP SS HMB 138-50 HILLSIDE AVE	<b>QUEENS, NY 11435</b>  <b>JAMAICA, NY 114352924</b>	<b>Facility Id: NYD986956340</b> <b>TT-Id: 740A-0040-556</b>
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MAP LOCATION INFORMATION  
Site location mapped by: MANUAL MAPPING (3)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION  
Revised street: 13850 HILLSIDE AVENUE  
Revised zip code: NO CHANGE

US EPA RCRA Type: GENERATOR TYPE NOT GIVEN  
Land Disposal: Receives offsite waste:  
Storer: Treatment facility:

Notification date: 04/10/1991  
Incinerator:  
Transporter:

Historically listed as the following USEPA RCRA Generator Size(s) as well:  
SMALL QUANTITY GENERATOR

NYS DEC Manifested Waste Summary:  
Waste Codes, Waste Units, and Transaction Types are only shown for the most recently reported year.

WASTE CODE	WASTE DESCRIPTION	WASTE AMOUNT	WASTE UNITS	TRANSACTION TYPE	YEAR
D008	Lead	50	GALLONS	GENERATED	1992

Toxicity Information Summary

CHEMICAL NAME	CAS-NO	ACUTE TOX	TUMOR TOX	MUTAG TOX	REPRO TOX	IRRIT TOX	MCL
Lead	7439921	X	X	X	X	X	0.05mg/L*



**NO CHEMICAL STORAGE FACILITIES IDENTIFIED WITHIN THE SEARCH AREA**



***NO HISTORIC UTILITY SITES IDENTIFIED WITHIN THE SEARCH AREA***



**NO HAZARDOUS SUBSTANCE WASTE DISPOSAL SITES IDENTIFIED WITHIN THE SEARCH AREA**



***NO TOXIC AIR, LAND AND WATER RELEASES IDENTIFIED WITHIN THE SEARCH AREA***



***NO WASTEWATER DISCHARGES IDENTIFIED WITHIN THE SEARCH AREA***



**AIR DISCHARGE FACILITIES IDENTIFIED WITHIN THE SEARCH AREA**

PLEASE NOTE: \* Compass directions can vary substantially for sites located very close to the subject property address.

<b>Map Identification Number 13</b>	<b>MOBIL</b>	<b>Facility Id: 3608100171</b>	<b>State-county CDS Id: 3608100171</b>
EPA (FINDS) Name:	138-50 HILLSIDE AVE	JAMAICA, NY 11435	State-county NED id:
EPA (FINDS) Address:	MOBIL	JAMAICA 11435	TT-ID: 900A-0006-031
	138-50 HILLSIDE AVE		

**MAP LOCATION INFORMATION**

Site location mapped by: MANUAL MAPPING (3)

Approximate distance from property: 0 feet

CDS-ID:	00171	NED-ID:	None Given
Plant Phone #1:	None Given	Plant Phone #2:	None Given
Operating Status:	OPERATING		
EPA Classification:			
State Classification:	POTENTIAL UNCONTROLLED EMISSIONS < 100 TONS/YEAR		
EPA Plant Compliance Status:			
State Plant Compliance Status:	IN COMPLIANCE - INSPECTION		

**ADDRESS CHANGE INFORMATION**

Revised street: 13850 HILLSIDE AVE

Revised zip code: NO CHANGE

EPA-ID: NYD986956340

FINDS-ID: NYD986956340

**AIR PROGRAM INFORMATION**

Regulatory Air Program: SIP SOURCE

Program Status: OPERATING

**POLLUTANT INFORMATION**

Pollutant: VOLATILE ORGANIC COMPOUNDS

State Pollutant Compliance for this pollutant: IN COMPLIANCE - INSPECTION



***NO CIVIL & ADMINISTRATIVE ENFORCEMENT DOCKET FACILITIES IDENTIFIED WITHIN THE SEARCH AREA***





NYC ENVIRONMENTAL QUALITY REVIEW REQUIREMENTS - "E" DESIGNATION SITES IDENTIFIED WITHIN THE SEARCH AREA

PLEASE NOTE: \* Compass directions can vary substantially for sites located very close to the subject property address.

Map Identification Number 14      BLOCK: 9620 LOT: 1      TT-Id: 820A-0003-878  
138-50 HILLSIDE AVENUE

MAP LOCATION INFORMATION

Site location mapped by: MAP COORDINATE (1)  
Approximate distance from property: 0 feet

ADDRESS CHANGE INFORMATION

Revised street: No Change  
Revised zip code: No Change

BBL #	E No.	CEQR No.	ULURP No.	NYC Zoning Maps	Effective Date	Lot Remediation Date	Description
4-09620-0001	E-175	05DCP081Q	070314ZMQ	14d	09/10/2007		Underground Gasoline Storage Tanks Testing Protocol Window Wall Attenuation & Alternate Ventilation

U.S. EPA EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) SPILLS  
AT THE LOCATION OR POTENTIALLY AT THE LOCATION OF  
138-50 Hillside Ave  
Queens, NY 11435

\* Any ERNS Spills listed below are NOT mapped in this report \*

ONSITE ERNS (A count of these spills can be found in the distance interval table):

\*\*\*\*\*

Spill Number (ID) : 396638

Spill Date: 10/10/1994

Location: 138-50 HILLSIDE AVE  
Spill City: JAMAICA NY

Material Spilled	Quantity Spilled	Units	Pounds	Quantity Released in Water	Units	Casno
GASOLINE: AUTOMOTIVE (UNLEADED)	150.00	GAL	0.00	0.00	UNK	

Potentially Responsible Party (Discharger) : MOBILE OIL CORP

Discharger Address: 464 DOUGHTY BLVD

Dun and Bradstreet Number:  
INWOOD

NY 11096

Organization Type: PRIVATE ENTERPRISE

Medium(s) Affected:

Air: F Land: F Water: F Groundwater: F Contained within Fixed Facility: F Other: T

Waterway Affected:

Damages Incurred: F Estimated Cost of Property Damage: \$0.00

Cause(s):

Transportation Accident: F Equipment Failure: F

Operator Error: F Natural Phenomenon: F

Dumping: F Other Cause: F

Unknown: F

Cause of the incident: Source of Release:

Type of Transportation Involved: UNKNOWN (NRC)

Action: FIRE DEPT ON SCENE

Description: UNKNOWN/UNKNOWN/MATERIAL SPILLED DURING TRANSFER TO SERVICE STATION

Miscellaneous: WILL NOTIFY DEP/DEC/EPA

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Spill Number (ID) : 580096

Spill Date: 05/11/1998

Location: 138-50 HILLSIDE AVE  
Spill City: JAMAICA NY

Material	Quantity	Units	Pounds	Quantity Released	Units	Casno
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Spilled Spilled in Water  
GASOLINE: AUTOMOTIVE (UNLEADED) 5.00 GAL 33.00 0.00 UNK 95952645

Potentially Responsible Party (Discharger): MOBIL OIL  
Discharger Address: 464 DOUGHTY BLVD  
INWOOD NY 11696  
Dun and Bradstreet Number: Organization Type: PRIVATE ENTERPRISE

Medium(s) Affected:  
Air: F Land: T Water: F Groundwater: F Contained within Fixed Facility: F Other: F  
Waterway Affected:  
Damages Incurred: F Estimated Cost of Property Damage: \$0.00

Cause(s):  
Transportation Accident: F Equipment Failure: F  
Operator Error: F Natural Phenomenon: F  
Dumping: F Other Cause: F  
Unknown: T  
Cause of the incident: UNKNOWN  
Type of Transportation Involved: FIXED FACILITY  
Source of Release: GASOLINE STATION

Action: ABSORBENTS / CONTRACTOR EN ROUTE

Description: SERVICE STATION DELIVERY HOSE SERVICE STATION DELIVERY HOSE (HOLDS 7 GAL IN HOSE) / CAUSE UNKNOWN

Miscellaneous: AREA AFFECTED: UNKNOWN / RELEASE IS SECURE NYSDEC CASE# 98-01762

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Hazardous Waste Generation or Transport Facilities

FACILITY ID	FACILITY NAME	STREET	CITY	ZIP
NYP000007120	CONSOLIDATED EDISON CO	BUS SEC 4WFARRAJAT S/S		UNKNOWN
NYP004001582	CONSOLIDATED EDISON CO	176 JAMAICA 8909		UNKNOWN
NYP004001798	CONSOLIDATED EDISON CO	BOWY V5925		UNKNOWN
NYP004018982	CONSOLIDATED EDISON CO	MH9627 HARRISON STA		UNKNOWN
NYP004019048	CONSOLIDATED EDISON CO	TRANS#1 HARRISON S/S		UNKNOWN
NYP004019275	CONSOLIDATED EDISON CO	MH51217		UNKNOWN
NYP004019683	CONSOLIDATED EDISON CO	124-153 CAVE		UNKNOWN
NYP004019899	CONSOLIDATED EDISON CO	V909 VARL & JACKSON		UNKNOWN
NYP004020129	CONSOLIDATED EDISON CO	MAIN BODY - OAKWOOD S/S		UNKNOWN
NYP004022067	CONSOLIDATED EDISON CO	MH22404 VAN		UNKNOWN
NYP004024139	CONSOLIDATED EDISON CO	V8469		UNKNOWN
NYP004024576	CONSOLIDATED EDISON CO	OPEN EXCAVATION22-3441 ST		UNKNOWN
NYP004025342	CONSOLIDATED EDISON CO	VS7865		UNKNOWN
NYP004026019	CONSOLIDATED EDISON CO	MH2246		UNKNOWN
NYP004026845	CONSOLIDATED EDISON CO	MH15520		UNKNOWN
NYP000818427	LONG ISLAND RAIL ROAD	JAMAICA STATION FREIGHT TRANSP	JAMAICA	11435
NYP000921932	NYNEX	(NO STREET ADDRESS IN CONVERSION)	JAMAICA	UNKNOWN
NYP004074571	CONSOLIDATED EDISON	MH4078	JAMAICA	11400
NYP000953018	LONG ISLAND RAILROAD	DB BRIDGE	LONG ISLAND CITY	UNKNOWN
NYP000010363	NYC DOT	N/S	N/S	UNKNOWN
NYP004021945	CONSOLIDATED EDISON	#4694545 WILLY	NEW YORK	UNKNOWN
NYP000020826	CONSOLIDATED EDISON	TRANSF #1 - JAMAICA	QUEENS	UNKNOWN
NYP000930321	CONSOLIDATED EDISON	N/S	QUEENS	UNKNOWN
NYP004000634	CONSOLIDATED EDISON	V7176-WEST HILL APARTMENTS	QUEENS	UNKNOWN
NYP004004677	CONSOLIDATED EDISON	N/S	QUEENS	UNKNOWN
NYP004004925	CONSOLIDATED EDISON	VAULT #0442 - 1548	QUEENS	UNKNOWN
NYP004006318	CONSOLIDATED EDISON	V5014 - W.F. ADMIN BLDG	QUEENS	UNKNOWN
NYP004006763	CONSOLIDATED EDISON	V9736 - SO. MOYER & BRITTON	QUEENS	UNKNOWN
NYP004006904	CONSOLIDATED EDISON	V1903 - ALLINGTON	QUEENS	UNKNOWN
NYP004007308	CONSOLIDATED EDISON	MH 3924 - PALMER FERN. TER	QUEENS	UNKNOWN
NYP004007910	CONSOLIDATED EDISON	V 1296C - PASCAP	QUEENS	UNKNOWN
NYP004008248	CONSOLIDATED EDISON	N/S	QUEENS	UNKNOWN
NYP004008603	CONSOLIDATED EDISON	V 2113 - CLINTON 17051	QUEENS	UNKNOWN
NYP004008785	CONSOLIDATED EDISON	MH 2631	QUEENS	UNKNOWN
NYP004009775	CONSOLIDATED EDISON	MH 12060	QUEENS	UNKNOWN
NYP004012514	CONSOLIDATED EDISON	16 - SHERWOOD PARK	QUEENS	UNKNOWN
NYP004015848	CONSOLIDATED EDISON	116-02 KAVE	QUEENS	UNKNOWN
NYP004023016	CONSOLIDATED EDISON	MH184490-	QUEENS	UNKNOWN
NYP004023156	CONSOLIDATED EDISON	V407395TH AVE	QUEENS	UNKNOWN
NYP004024428	CONSOLIDATED EDISON	MH 16165	QUEENS	UNKNOWN
NYP004024642	CONSOLIDATED EDISON	MH35319	QUEENS	UNKNOWN
NYP004024758	CONSOLIDATED EDISON	MH156 435 SO CITYLINE ST	QUEENS	UNKNOWN
NYP004026407	CONSOLIDATED EDISON	MH56240	QUEENS	UNKNOWN
NYP004092276	CONSOLIDATED EDISON	150 & FORD VS5005	QUEENS	UNKNOWN
NYP004130340	CONSOLIDATED EDISON	GROUND SMITH DOUGLSTON #1	QUEENS	UNKNOWN
NYP000022756	LONG ISLAND RAILROAD	JAMAICA STATION PLATFORM	QUEENS	11435
NYP004002709	CONSOLIDATED EDISON		T/A450	UNKNOWN

Wastewater Discharges

FACILITY ID	FACILITY NAME	STREET	CITY	ZIP
NYU0000079	BEST CONCRETE MIX CORP.			UNKNOWN
NYU9000062	FEDERAL EXPRESS			UNKNOWN
NYU9000079	BEST CONCRETE MIX CORP			UNKNOWN

Air Releases

FACILITY ID	FACILITY NAME	STREET	CITY	ZIP
3688800011	USCG-LIGHT STATION	AMBROSE	NEW YORK	UNKNOWN
NY081X115	CRYDER ASSOCIATES LTD	NO STREET ADDRESS	NO CITY NAME	UNKNOWN

QUEENS

NY081X4KU	COSMOPOLITAN ASSOC	QUEENS	NO STREET ADDRESS	NO CITY NAME	UNKNOWN
NY081X72J	A & K REALTY	QUEENS	NO STREET ADDRESS	NO CITY NAME	UNKNOWN
3608100139	NY JOB CORPS CENTER		NO STREET ADDRESS	QUEENS	UNKNOWN
3608100140	NAVY RESERVE TRAINING		NO STREET ADDRESS	QUEENS	UNKNOWN
3608100693	ASTORIA AL & BR		NO STREET ADDRESS	QUEENS	UNKNOWN
NY0813893	NEWTOWN REFINING CO INC		1	QUEENS	UNKNOWN

**Hazardous waste codes presented in individual Toxic Information Profiles are defined below.**

D008 Lead

Source: U. S. Environmental Protection Agency

# How Toxic Site Locations Are Mapped

*Toxics Targeting* maps toxic site locations on a computerized version of the U. S. Census map using addresses and map coordinates provided by site owners/operators or government agencies. In order to allow site locations to be verified independently, the information used to map each site is presented in the first section of each *Toxic Site Profile*, along with a description of the mapping technique used and any address corrections that were made in order to locate toxic sites with incomplete or inadequate site location information. The mapping process is explained below.

Map Identification Number: 12

Site Name: Acme World Manufacturing, Inc.

Site Address: 55 Main Street

Anytown, NY 11797

## MAP LOCATION INFORMATION

Site location mapped by:

Address Matching

1) Most toxic sites are mapped by matching addresses provided by site owners/operators or government agencies with locations on a computerized version of the U. S. Census map. These site locations are identified "address-matched."

*Note: Some sites have an address match location and a map coordinate location. Both locations are mapped because they can be equally correct.*

or Map Coordinate

2) Some toxic sites are located using map coordinates provided by site owners/operators or government agencies. These site locations are identified "map coordinate." Map coordinates for Toxics Wastewater Discharges, Toxic Release Inventory sites and Major Oil Storage Facilities should be considered suspect.

or Manual Mapping

or Site Visit

3) Incomplete addresses or map coordinates require some site locations to be determined by commercial street maps (manual mapping), site visits, map coordinates from other databases and address location services. Application of any of these methods is identified accordingly.

## ADDRESS CHANGE INFORMATION

Revised Street: NO CHANGE

Revised zip code: NO CHANGE

4) Site addresses are sometimes corrected to eliminate obvious errors that prevent sites from being mapped. All address corrections are noted here.



# Information Source Guide

*Toxics Targeting's Environmental Reports* contain government and other information compiled on 21 categories of reported known or potential toxic sites. Each toxic site database is described below with information detailing a) the source of the information, b) the date when each database is covered to and c) when *Toxics Targeting* obtained the information..

1) **National Priority List for Federal Superfund Cleanup:** Toxic sites nominated for cleanup under the Federal Superfund program. Annual compilation of special two-page detailed profiles of NPL sites. Also includes delisted NPL sites.

ASTM required.\* Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency.<sup>1</sup>

Data attributes updated from: 2/3/2009.

Data obtained by Toxics Targeting: 2/3/2009.

New Facilities updated through: 2/3/2009.

Data obtained by Toxics Targeting: 2/3/2009.

2) **Inactive Hazardous Waste Disposal Site Registry:** New York State database that maintains information and aids decision making regarding the investigation and cleanup of toxic sites. The Registry's data includes two-page profiles noting site name, ID number, description, classification, cleanup status, types of cleanup, owner information, types and quantities of contaminants, and assessment of health and environmental problems. Also included are sites that qualify for possible inclusion on the Registry. These Registry Qualifying sites may or may not be on the Site Registry.

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data attributes updated through: 6/01/2009.

Data obtained by Toxics Targeting: 6/01/2009.

New Facilities updated to: 6/01/2009.

Data obtained by Toxics Targeting: 6/01/2009.

3) **Corrective Action Activity (CORRACTS):** U. S. Environmental Protection Agency database of hazardous facilities regulated pursuant to the Resource Conservation and Recovery Act (RCRA).

ASTM required.\* Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency<sup>1</sup>

Data attributes updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

New facilities updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

4) **CERCLIS:** Toxic sites listed in the Federal Comprehensive Environmental Response, Compensation and Liability Information System. No Further Remedial Action Planned (NFRAP) sites are also included.

ASTM required.\* Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency.<sup>1</sup>

Data attributes updated through: 1/09/2008.

Data obtained by Toxics Targeting: 3/12/2008.

New Facilities updated through: 1/09/2008.

Data obtained by Toxics Targeting: 3/12/2008.

5) **Brownfield Programs:** NYS programs for sites that are abandoned, idled or under-used industrial and/or commercial sites where expansion or redevelopment is complicated by real or perceived environmental contamination.

ASTM required.\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data attributes updated through: 6/01/2009.

Data obtained by Toxics Targeting: 6/01/2009.

New Facilities updated to: 6/01/2009.

Data obtained by Toxics Targeting: 6/01/2009.

- (a) Brownfield Cleanup Program (BCP)
- (b) Voluntary Cleanup Program (VCP)
- (c) Environmental Restoration Program (ERP)

6) **Solid Waste Facilities:** NYS database of solid waste facilities, including, but not limited to, landfills, incinerators, transfer stations, recycling centers.

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data updated to: 12/31/2001.

Data obtained by Toxics Targeting: 3/16/2002.

Also includes a listing of solid waste disposal sites operated by New York City municipal authorities circa 1934.

Source: City of New York Department of Sanitation (1984). The Waste Disposal Problem in New York City: A Proposal For Action.

7) **RCRA Hazardous Waste Treatment, Storage or Disposal Facility Databases:**

(a) **Manifest Information:** New York State database of hazardous waste facilities and shipments regulated by the DEC's Bureau of Hazardous Waste Facility Compliance pursuant to NYS Law and the Resource Conservation and Recovery Act (RCRA).

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

New facilities updated through: 2/24/2009.

New facilities obtained by Toxics Targeting: 3/16/2009.

Manifest transactions data updated to: 2/24/2009.

Manifest transactions data obtained by Toxics Targeting: 3/16/2009.

(b) **RCRA Notifier & Violations Information:** U. S. Environmental Protection Agency database of hazardous facilities regulated pursuant to the Resource Conservation and Recovery Act (RCRA).

ASTM required.\* Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency<sup>1</sup>

New facilities updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

Data attributes updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

8) **Spills Information Database:** Spills reported to the DEC as required by one or more of the following: Article 12 of the Navigation Law, 6 NYCRR Section 613.8 (from Petroleum Bulk Storage Regulations) or 6 NYCRR Section 595.2 (from Chemical Bulk Storage Regulations). The database includes *active* and *closed* spills reported on or before 5/7/2009.

ASTM required.\* Fannie Mae.\*\*

Source: NYS Department of Environmental Conservation.<sup>2</sup>

Spill attribute data through: 5/7/2009

Spill attribute data obtained by Toxics Targeting: 5/12/2009

New spills through: 5/7/2009

New spills data obtained by Toxics Targeting: 5/12/2009

Active spills: paperwork not completed.

Closed spills: paperwork completed.

Both active and closed spills may or may not have been cleaned up (see Date Cleanup Ceased in spill profiles).

9) **Major Oil Storage Facilities:** NYS database of facilities licensed pursuant to Article 12 of the Navigation Law, 6 NYCRR Parts 610 and 17 NYCRR Part 30, such as onshore facilities or vessels, with petroleum storage capacities equal to or greater than four hundred thousand gallons.

**Tank & other data withheld by NYSDEC as of 4/1/2002.**

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data updated through: 11/21/2008.

Data obtained by Toxics Targeting: 11/21/2008.

10) **Petroleum Bulk Storage Facilities:** Local and State databases of aboveground and underground petroleum storage facilities with a combined storage capacity over 1,100 gallons.

ASTM required.\* Fannie Mae required.\*\*

Source: NYS Department of Environmental Conservation.<sup>2</sup>

All New York Counties except Cortland, Nassau, Rockland, Suffolk, and Westchester:

New facilities updated through: 2/22/2009.

Data obtained by Toxics Targeting: 2/22/2009.

Tank data updated through: 2/22/2009.

Data obtained by Toxics Targeting: 2/22/2009.

#### 11) **RCRA Hazardous Waste Generators and/or Transporters Databases:**

(a) **Manifest Information:** New York State database of hazardous waste facilities and shipments regulated by the NYS Department of Environmental Conservation's Bureau of Hazardous Waste Facility Compliance pursuant to New York State Law.

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

New facilities updated through: 2/24/2009.

New facilities obtained by Toxics Targeting: 3/16/2009.

Manifest transactions data updated to: 2/24/2009.

Manifest transactions data obtained by Toxics Targeting: 3/16/2009.

(b) **RCRA Notifier & Violations Information:** U. S. Environmental Protection Agency database of hazardous facilities regulated pursuant to the Resource Conservation and Recovery Act (RCRA).

ASTM required.\* Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency<sup>1</sup>

New facilities updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

Data attributes updated through: 11/10/2008.

Data obtained by Toxics Targeting: 3/07/2009.

12) **Chemical Bulk Storage Facilities:** New York State database of facilities compiled pursuant to 6 NYCRR Part 596 that store regulated substances listed in 6 NYCRR Part 597 in aboveground tanks with capacities greater than 185 gallons and /or in underground tanks of any size.

**Tank & other data withheld by NYSDEC as of 4/1/2002.**

ASTM required.\* Fannie Mae required.\*\*

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data updated through: 11/21/2008.

Data obtained by Toxics Targeting: 11/21/2008.

13) **Historic New York City Utility Facilities (1898 to 1950):** An inventory of selected power generating stations, manufactured gas plants, gas storage facilities, maintenance yards and other gas and electric utility sites identified in various historic documents, maps and annual reports of New York utility companies, including: Sanborn Fire Insurance Maps of NYC (1898-1950); Consolidated Edison Co. Annual Reports (1922-1939); Consolidated Edison Co. Map: "Boroughs of Manhattan and the Bronx Showing Distribution Mains of the New York Edison Co.," (1922); and Consolidated Edison document: "Generating and Annex Stations," (1911).

14) **Hazardous Substance Waste Disposal Site Study**: NYS database of waste disposal sites that may pose threats to public health or the environment, but could not be remediated using monies from the Hazardous Waste Remedial Fund.

Source: New York State Department of Environmental Conservation.<sup>2</sup>

Data updated to: 5/16/2000.

Data obtained by Toxics Targeting: 5/16/2000.

15) **Toxic Release Inventory (TRI)**: Federal database of manufacturing facilities required under Section 313 of the Federal Emergency Planning and Community Right-to-Know Act to report releases to the air, water and land of any specifically listed toxic chemical. See Fannie Mae requirement\*\* below.

Source: U. S. Environmental Protection Agency.<sup>1</sup> / NYS Department of Environmental Conservation<sup>2</sup>

Data updated through: 3/8/2004.

Data obtained by Toxics Targeting: 3/25/2004

16) **Toxic Wastewater Discharges (Permit Compliance System)**: Federal database of discharges of wastewater to surface waters and groundwaters. See Fannie Mae requirement\*\* below. Source: U. S. Environmental Protection Agency.<sup>1</sup>

Data updated through: 6/17/2004.

Data obtained by Toxics Targeting: 7/19/2004.

17) **Air Discharge Facilities**: EPA AIRS database containing address information on each air emission facility and the type of air pollutant emission it is. Compliance information is also provided on each pollutant as well as the facility itself.

See Fannie Mae requirement\*\* below.

Source: U. S. Environmental Protection Agency<sup>1</sup>

Data updated through: 11/24/1999.

Data obtained by Toxics Targeting: 1/6/2000

18) **Civil Enforcement & Administrative Docket**: This database is the U. S. EPA's system for tracking administrative and civil judiciary cases filed on behalf of the agency by the Department of Justice. Fannie Mae required.\*\*

Source: U. S. Environmental Protection Agency.<sup>1</sup>

New Sites through: 10/14/1999.

Data updated through: 10/14/1999.

Data obtained by Toxics Targeting: 11/18/1999.

19) **New York City Environmental Quality Review (CEQR) – E Designation Sites**: These sites are parcels assigned a special environmental ("E") designation under the CEQR process. E designation requires specific protocols that must be followed.

Data updated through: 5/22/2009.

Source: New York City Department of Planning<sup>3</sup>

Data obtained by Toxics Targeting: 6/15/2009

20) **New York City Fire Department Tank Data**.

Source: New York City Fire Department.

Database no longer provided to the public.

Data obtained by Toxics Targeting: 2/13/1997

21) **Emergency Response Notification System (ERNS)**: Federal database of spills compiled by the Emergency Response Notification System. On-site searches only.

ASTM required.\* See Fannie Mae requirement\*\* below.

Source: U. S. Environmental Protection Agency.<sup>1</sup>

Data updated through: 1/31/2000.

Data obtained by Toxics Targeting: 2/15/2000

\* American Society of Testing Materials: Standard Practice on Environmental Site Assessments: Phase I Environmental Site Assessment Process (E1527-05).

\*\* Fannie Mae's Part X Environmental Hazards Management Procedures specify 1.0 mile searches for "any state or Federal list of hazardous waste sites (e.g. CERCLIS, HWDMS etc.)." Searches for the property and adjacent properties are specified for "chemical manufacturing plants," "obvious high risk neighbors engaging in storing or transporting hazardous waste, chemicals or substances" and "...any documented or visible evidence of dangerous waste handling... (e.g. stressed vegetation, stained soil, open or leaking containers, foul fumes or smells, oily ponds, etc." Searches for property and adjacent properties can include sites up to a quarter mile away (W. Hayward, Director, Multi-Family Business Planning and Control, Fannie Mae, personal communication, 5/94).

<sup>1</sup> U. S. Environmental Protection Agency, 290 Broadway, NY, NY 10007-1866.

<sup>2</sup> NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233.

<sup>3</sup> New York City Department of City Planning, 22 Reade St, New York, NY 10007-1216



Aug 5 2009  
11:53AM

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Section 103

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# **CLOSED STATUS UNKNOWN CAUSE SPILLS AND OTHER CAUSE SPILLS IDENTIFIED WITHIN THE SEARCH AREA**

Please Note: \* - Compass directions can vary substantially for sites located very close to the subject property address.

**Map Identification Number 21** **MERIT GAS STATION**  
144-10 HILLSIDE AVE

**Spill Number: 9804275**  
JAMAICA, NY NO ZIP PROVIDED

**Close Date: 02/28/2003**  
TT-Id: 520A-0136-535

## **MAP LOCATION INFORMATION**

Site location mapped by: PARCEL MAPPING (2)  
Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**  
Revised street: 14410 HILLSIDE AV  
Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION  
Notifier Type: Other  
Caller Name: SAUL ASH  
DEC Investigator: SMSANGES

Spiller: SCOTT CULLINAN - MERIT GAS STATION  
Notifier Name: SAUL ASH  
Caller Agency: GROUND WATER ENVIRO.  
Contact for more spill info: SCOTT CULLINAN

Spiller Phone: (610) 527-7900  
Notifier Phone: (516) 753-1260  
Caller Phone: (516) 753-1260  
Contact Person Phone: (610) 527-7900

Spill Class: **KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN**

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
07/06/1998		UNKNOWN	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	0	GALLONS	0	GALLONS	SOIL

Caller Remarks:

DURING TANK REMOVAL CONTAMINATED SOIL WAS LOCATED. SOIL WILL BE STOCK PILED AND TANK WILL BE REMOVED AND INVESTIGATION WILL CONTINUE.

DEC Investigator Remarks:

Prior to Sept. 2004 data translation this spill Lead\_DEC Field was "SANGESLAND"  
Former station, now a car dealership. Some wells have not been accessible.

1 MW has MTBE above GW standards, but sampling indicates MTBE meets GW stds before leaving the property.

Hess completed a remediation at this site.

Spill Closed

Map Identification Number 22

**MOBIL**  
138-50 JAMAICA AVENUE

JAMAICA, NY NO ZIP PROVIDED

Spill Number: 9801767

Close Date: 05/11/1998  
TT-Id: 520A-0130-792

**MAP LOCATION INFORMATION**

Site location mapped by: PARCELS MAPPING (2)  
Approximate distance from property: 0 feet

**ADDRESS CHANGE INFORMATION**  
Revised street: 13850 JAMAICA AVE  
Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION  
Notifier Type: Federal Government  
Caller Name: PETTY OFFICER NAUSS  
DEC Investigator: SMAMARTIN

Spiller: UNK  
Notifier Name: NRC  
Caller Agency: US COAST GUARD  
Contact for more spill info: BOB PERODEAU

Spiller Phone:  
Notifier Phone:  
Caller Phone: (718) 354-4136  
Contact Person Phone: (516) 239-0575

Spill Class: KNOWN RELEASE WITH MINIMAL POTENTIAL FOR FIRE OR HAZARD;NO DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards	Penalty Recommended
05/11/1998		OTHER	NO	NO

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	5.00	GALLONS	0.00	GALLONS	SOIL

Caller Remarks:

during delivery of fuel spill of 5 gal from hose occurred - fire dept on scene

DEC Investigator Remarks:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "MARTINKAT"  
REFER TO FD

# NYSDEC SPILL REPORT FORM



DEC REGION# 2 (Long Island City) SPILL NUMBER 9804275  
 SPILL NAME: MERIT GAS STATION DEC LEAD: SANGESLAND  
 CALLER'S NAME: SAUL ASH NOTIFIER'S NAME: SAUL ASH  
 CALLER'S AGENCY: GROUND WATER ENVIRO. NOTIFIER'S AGENCY: GROUND WATER ENV. SERVICE  
 CALLER'S PHONE: (516) 753-1260 EXT.        NOTIFIER'S PHONE: (516) 753-1260 EXT.       

SPILL DATE: 07/06/1998 TIME: 09:30  
 CALL RECEIVED DATE: 07/06/1998 TIME: 11:10 RECEIVED BY CID #: 323

Material Spilled	Mat. Class	Am't Spilled	Units	Am't Recovered
1) <u>GASOLINE</u>	<u>Pet-Haz-Other-Unk.</u>	<u>Unknown</u>	<u>Gal</u> - Lbs	<u>0</u>
2) <u>      </u>	<u>Pet-Haz-Other-Unk.</u>	<u>      </u>	<u>Gal</u> - Lbs	<u>      </u>
3) <u>      </u>	<u>Pet-Haz-Other-Unk.</u>	<u>      </u>	<u>Gal</u> - Lbs	<u>      </u>
4) <u>      </u>	<u>Pet-Haz-Other-Unk.</u>	<u>      </u>	<u>Gal</u> - Lbs	<u>      </u>

SPILL LOCATION	POTENTIAL SPILLER
PLACE: <u>MERIT GAS STATION</u>	NAME: <u>MERIT GAS STATION</u>
STREET: <u>144-10 HILLSIDE AV</u>	STREET: <u>144-10 HILLSIDE AV</u>
T/C/V: <u>JAMICA</u> CO: <u>QUEENS</u>	CITY: <u>JAMICA</u>
CONTACT: <u>SCOTT CULLINAN</u>	STATE: <u>      </u> ZIP: <u>      </u>
PHONE: <u>(610) 527-7900</u> EXT. <u>      </u>	CONTACT: <u>SCOTT CULLINAN</u>
	PHONE: <u>(610) 527-7900</u> EXT. <u>      </u>

SPILL CAUSE			SPILL SOURCE		
Human Error	Tank Test Failure*	Tank Failure	<u>Gas Station</u>	Private Dwelling	Non-Maj Facility
Traffic Accident	Housekeeping	Tank Overfill	Passenger Vehicle	Vessel	Comm/Indust
Equipment Failure	Deliberate	Other	Comm. Vehicle	Railroad Car	Non-Comm/Instit
Vandalism	Abandoned Drums	<u>Unknown</u>	Tank Truck	Major Facility	Unknown

RESOURCE AFFECTED			SPILL REPORTED BY		
<u>On Land</u>	Groundwater	Air	Responsible Party	Tank Tester	Local Agency
In Sewer	Surface Water**		Affected Persons	DEC	Federal Gov't
			Police Department	Citizen	<u>Other</u>
			Fire Department	Health Dept.	

\*\*WATERBODY:       

CALLER REMARKS: DURING TANK REMOVAL CONTAMINATED SOIL WAS LOCATED. SOIL WILL BE STOCK PILED AND TANK WILL BE REMOVED AND INVESTIGATION WILL CONTINUE.

PBS Number	Tank Number	Tank Size	Test Method	Leak Rate

PRIMARY CONTACT CALLED DATE:        TIME:        hrs. REACHED DATE:        TIME:        hrs.  
 SECONDARY CONT. CALLED DATE:        TIME:        hrs. FAXED BY CID#:       

PIN #	T & A	Cost Center	SR to Central Office
Cleanup Ceased	Meets St'ds	NO	Last Inspection
RP-CUI	ENF-INIT	INVS-COM	CAP
UST Trust Eligible	NO	Site: A B <u>C</u> D E	Resp. Party 1 2 <u>3</u> 4 5 6
Reg Close Date		02/28/2003	

Created on 07/06/1998 Last Updated on 02/28/2003 Is Updated? YES EDO DATA INPUT [ ]  
 Date Printed: 02/28/2003

Printed 2/28/2003

Spill Number: 9804275 Spill Name: MERIT GAS STATION

Printed on: 02/28/2003

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DEC REMARKS

Former station, now a car dealership. Some wells have not been accessible.

1 MW has MTBE above GW standards, but sampling indicates MTBE meets GW stds before leaving the property.

Hess completed a remediation at this site.

Spill Closed

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\*\* TOTAL PAGE.04 \*\*

July 22, 2009

**VIA ELECTRONIC MAIL**

Special Master Ronald J. Hedges  
484 Washington Avenue  
Hackensack, New Jersey 07601

Re: Master File C.A. No. 1:00-1898 (SAS), M21-88, MDL No. 1358  
City of New York v. Amerada Hess Corp, et al.  
*ExxonMobil's Objections to Admissibility of Toxic Targeting Reports*

Dear Special Master Hedges:

I write on behalf of Exxon Mobil Corporation ("ExxonMobil") in advance of tomorrow's conference.

Plaintiffs will seek to introduce into evidence at trial reports generated by Toxic Targeting, Inc. (the "Report"). As an exemplar for purposes of tomorrow's conference, Plaintiffs produced a July 20, 2009 report for the property located at 138-50 Hillside Avenue, Queens, New York 11435.<sup>1</sup> Based on conversations with counsel, it is ExxonMobil's understanding that Plaintiffs will argue the Report is admissible as a record of regularly conducted activity pursuant to Federal Rule of Evidence ("FRE") 803(6). Further, Plaintiffs will argue that the underlying data summarized in the Report is admissible under FRE 803(8). For the reasons stated below, the Report is not admissible.

The Report itself – other than certain introductory information – purports to summarize various underlying data contained in 27 public databases maintained by local, state, and federal agencies. Jorgensen Declaration at ¶ 4. Further, the Reports contain "limited information" from a database compiled from unidentified "private business records." Id. at fn. 2.

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<sup>1</sup> Plaintiffs have indicated that they have asked Toxic Targeting to prepare updated reports for various sites in Queens, New York. ExxonMobil reserves the right to object to any additional reports generated by Toxic Targeting, if Plaintiffs attempt to introduce them into evidence.



The business records exception is premised upon the “unusual reliability” of business records “supplied by systematic checking, by regularity and continuity which produce habits of precision, by actual experience of business in relying upon” the records. FRE 803(6) Advisory Committee Notes. This indicia of reliability is given to such records because they are made in the normal course of business operations. Here, Toxic Targeting produces specific reports only when ordered by a customer. Further, the content of the reports is not based on Toxic Targeting’s business activities. Instead, the content of the report is Toxic Targeting’s summary of publicly available data. Such reports are not the conventional business records contemplated by the Federal Rules of Evidence.

However, even if the Report is deemed a business record under FRE 803(6), the Report is inadmissible because of “a lack of trustworthiness.” FRE 803(6); *U.S. v. Zapata*, 356 F. Supp. 2d 323 (S.D.N.Y. 2005). The Report on its face is not entitled to the same presumption of reliability. Indeed, while it purports to summarize certain data maintained by various governmental entities, Toxic Targeting supplements that data from various sources, including “field observations” presumably performed by Toxic Targeting itself. *See Declaration of David Jorgensen*, ¶ 7. Further, Toxic Targeting disclaims the ability to “verify the accuracy, correctness or completion [sic] of the information contained in this Report.” *Report, § Limited Warranty and Disclaimer of Liability*. This lack of trustworthiness requires that the Report be excluded as inadmissible hearsay.

The underlying data contained in the report is also inadmissible hearsay. Indeed, despite the Plaintiffs’ contentions, the underlying data summarized in the report is not a “public record” under FRE 803(8). Public records exception is justified on the assumption that a public official will perform his duty properly and the unlikelihood that he will remember details independently of the report. FRE 803(8) Advisory Committee Notes. This assumption of reliability is attached the to public records themselves, not summaries of that data.

The lack of reliability is evidenced by the Declaration of David Jorgensen. Indeed, a comparison of Exhibits B and C demonstrate the lack of reliability. Exhibit C to the Jorgensen Declaration includes a NYSDEC Spill Report Form (a public record) bates labeled HESS 799008. The report includes the address for the Merit Gas Station under the heading “Potential Spiller.” The NYSDEC Spill Report also identifies the name of the contact at the Merit Gas Station – Mr. Scott Cullinan. When compared to the Toxic Targeting Report for this station, it is clear that certain changes to the data maintained by the NYSDEC have been made.

Exhibit B to the Jorgensen Declaration includes the purported summary of the NYSDEC Spill Report Form. The Toxic Targeting Report identifies the “spiller” as “Scott Cullinan – Merit Gas Station.” While not at issue here, the difference between “potential spiller” and “spiller” in the context of the New York State Department of Environmental Conservation’s governmental function is legally significant. Further, the Report would suggest that the NYSDEC has concluded that the Merit Gas Station was the “responsible party” for the spill. However, it is unclear from the NYSDEC Spill Report Form whether the NYSDEC ever reached such a conclusion. Indeed, a the NYSDEC file indicates that “Hess completed a remediation at this site.” *Jorgensen Declaration*, Ex. C.

These inaccuracies make clear that the Report should not be admitted into evidence. The Report and the underlying data are not reliable as evidenced above. Further, the underlying data are not public records. Indeed, the best evidence rule would require that the public records themselves (e.g., the NYSDEC Spill Report Form) be used at trial.<sup>2</sup>

We look forward to discussing this issue with Your Honor tomorrow.

Respectfully submitted,

*Stephen J. Riccardulli*

Stephen J. Riccardulli

cc: Joshua Stein, Esq.  
Nick Campins, Esq.

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<sup>2</sup> At best, the Toxic Targeting Report is a summary of public data under FRE 1006. However, the Plaintiffs have made no attempt to authenticate the purported summaries, including making the underlying documents available to ExxonMobil for review and inspection. ExxonMobil reserves the right to object to any such summary if and when the Plaintiffs attempt to proffer a summary under FRE 1006.



Aug 5 2009  
11:53AM

0001

1 THE SPECIAL MASTER: Good  
2 afternoon, counsel. Let's have  
3 your appearances for the record  
4 please.

5 MR. STEIN: Joshua Stein  
6 with Sher Leff on behalf of the  
7 City of New York, your Honor.

8 MR. CAMPINS: Nicholas  
9 Campins with Shef Leff on behalf  
10 of the city of New York.

11 MR. RICCARDULLI: Stephen  
12 Riccardulli with McDermott Will &  
13 Emery on on behalf of Exxon Mobil  
14 corporation.

15 THE SPECIAL MASTER: Just  
16 for the record, Mr. Riccardulli  
17 who is sitting with us today.

18 MR. RICCARDULLI: Ms. Laura  
19 who is a summer associate.

20 THE SPECIAL MASTER: Where  
21 you are going to school?

22 MS. OLCHE: Boston  
23 University.

24 THE SPECIAL MASTER: So you

0002

1 are here for a few more weeks I  
2 take it.

3 MS. OLCHE: Yes.

4 THE SPECIAL MASTER:  
5 Gentlemen, we've had an  
6 opportunity to talk off the  
7 record. I indicated to you  
8 preliminary rulings number one  
9 with regard to the so-called  
10 ancient document. It appears to  
11 me that the second circuit has  
12 spoken on the issue, subject to  
13 any arguments you may have Exxon  
14 about reliability or authenticity  
15 I think the document goes in as an  
16 ancient record and you can argue  
17 what you want to argue about it.

18 I said off the record it's a  
19 little difficult to accept that  
20 assuming the defendant has never  
21 seen the document, never been  
22 involved in the document is  
23 admissible, but as I said the  
24 second circuit seems to have

0003

1 spoken on the definition of an  
2 ancient document. I don't think  
3 there's anything to do in that  
4 regard.

5 With regard to the reports  
6 that are subject of another matter

7 before me, and these are the Toxic  
8 Targeting reports, I understand  
9 having reviewed the record subject  
10 to argument that these reports are  
11 effectively a compilation of  
12 information that comes from a  
13 number of public sources totaling  
14 27. In addition, as I understand  
15 the declaration that went along  
16 with the reports there is some  
17 private information that's  
18 contained in the reports. It's  
19 also obvious that the reports are  
20 augmented or modified or  
21 supplemented in the course of  
22 preparation. There also appear to  
23 be some type of field tests or  
24 field studies involved in the

0004

1 reports. Again, subject to  
2 argument by the city, I appreciate  
3 the purpose of the reports, I  
4 understand they may be probative.  
5 On the other hand I just don't see  
6 how they fall within hearsay  
7 definition. So subject to  
8 argument, gentlemen, or some  
9 argument you intend to advance  
10 that these can be somehow be  
11 introduced as a summary, which  
12 means that the 27 sources and the  
13 like are going to be made  
14 available and we can argue about  
15 that at another time, I just don't  
16 see how these reports go in. So,  
17 gentlemen, argument, please on  
18 behalf of the city with those  
19 tentative rulings in mind.

20 MR. STEIN: Yes, Judge. In  
21 regards to Toxic Targeting reports  
22 I think we can address the Court's  
23 concern. One is that the original  
24 public records are available for

0005

1 inspection in fact given over to  
2 Exxon Mobil. The Toxic Targeting  
3 gets this in electronic format,  
4 either down loaded from the web  
5 site of the public agency or the  
6 public agency turns it over in an  
7 electronic format, subject to a  
8 foil request freedom of  
9 information log request. The  
10 Toxic Targeting archives that data  
11 in the electronic form, so it is  
12 the public record they have  
13 archived and saved and Exxon can

14 use to compare it to the Toxic  
15 Targeting reports to confirm their  
16 accuracy as required under 1006.

17 THE SPECIAL MASTER: Let me  
18 ask you a question, let's go back  
19 to the hearsay question. The city  
20 is not arguing is it that these  
21 somehow fall the within the public  
22 records exception to the hearsay  
23 rule.

24 MR. STEIN: It's a hearsay

0006

1 within hearsay issue, your Honor.  
2 So there's two there's actually  
3 three types of data that reside in  
4 the database. And let me tease  
5 those out a bit. One is the  
6 public records that are taken and  
7 are verbatim put in that database.  
8 There's no manual transcription  
9 involved. The original electronic  
10 records are put in and they're  
11 there verbatim. There's also one  
12 limited database of private  
13 records and those we're not  
14 contending those are admissible  
15 because we haven't laid the  
16 foundation for them. And they can  
17 can be easily redacted out and  
18 that just lists what utility  
19 services were at the site. And  
20 just simply one record that says  
21 this was the utility provider,  
22 utility facilities on the site  
23 that can be easily retacted. So  
24 we have the public records which

0007

1 go in verbatim.  
2 And what Toxic Targeting  
3 does what their specialty in the  
4 business is to cross reference all  
5 the geo location information. So  
6 some public records have an  
7 address. 10350 hillside. Other  
8 public records go by tax personal  
9 information or have latitude  
10 longitude or other GIS  
11 coordinates. And so the question  
12 is putting all those together and  
13 that's the real service they  
14 provided you can get a full set of  
15 public records co located to one  
16 location.

17 THE SPECIAL MASTER: I  
18 understand in the normal course of  
19 business, in the normal course of  
20 the companies business, they

21 prepare compilations that are used  
22 for environmental site associates  
23 and the like. I have no problem  
24 what they do as an environmental

0008

1 consultant. The question is  
2 whether based on the source of the  
3 information and their compilation  
4 of it, these documents are somehow  
5 coming in as a business record.

6 And I have mentioned to you  
7 both off the record and on the  
8 record I have a problem with these  
9 documents coming in from so many  
10 different sources that they  
11 somehow constitute the normal  
12 course of business, if you will  
13 for the purposes of getting in at  
14 a trial as opposed to being used  
15 at some type of environmental site  
16 assessment or the like either for  
17 a government agency or for that  
18 matter for some type of an  
19 administrative hearing.

20 MR. STEIN: The only  
21 information that's added by toxic  
22 targeting is that additional  
23 address information. Nothing in  
24 the original public records has

0009

1 changed. So the information  
2 coming from the public records are  
3 admissible as a public record in  
4 summary format, then there's that  
5 information that geo location  
6 information and that is generated  
7 in the normal course of business.  
8 They are not generating the geo  
9 location information just for that  
10 report or just for purposes of  
11 litigation. That's geo location  
12 that's generated as part of their  
13 business, they tag all the records  
14 and the same for the whoever asks  
15 for them.

16 THE SPECIAL MASTER: I  
17 understand that one of the reasons  
18 for the business records except  
19 there's some type of reliability  
20 in the record being made and  
21 basically what you are telling me  
22 and reading between the lines in  
23 the jergenson declaration, that we  
24 have compilation of records from a

0010

1 third party, the company simply  
2 takes the records, incorporates

3     them in to something that it  
4     prepares and generates a report  
5     based on the public records on the  
6     private record, the utility  
7     records as you mentioned before,  
8     and in addition, something and I'm  
9     not quite sure what, the company  
10    itself does with regard to a site.  
11    And I just have problems with  
12    reliability when an organization  
13    just compiling records from third  
14    sources. And as you yourself say  
15    they simply take the public  
16    records, throw them in to a report  
17    or the like, and publish it.  
18    That's my concern about where this  
19    other information is coming from  
20    and whether that makes these  
21    reports something that falls  
22    within the business record  
23    exception. And I understand you  
24    to say that you are not arguing

0011

1     this is a public record. It can't  
2     be because it's not generated by a  
3     public agency in the normal course  
4     of the public agency business.  
5     And in any event even if you were  
6     to say I took the records for  
7     example of the City of New York  
8     and compiled them I have serious  
9     questions whether private party  
10    taking a public record somehow  
11    gets to translate the private  
12    parties production in to being  
13    quote public unquote.

14         So let's talk about business  
15    records again. I understand the  
16    argument your advancing. I  
17    appreciate the argument you  
18    advance and let me here from  
19    Exxon.

20         MR. RICCARDULLI: The  
21    argument it's a two part objection  
22    to us coming in as a business  
23    record and both to go reliability.  
24    The first is in looking at

0012

1     exhibits B and C to the  
2     declaration that was provided  
3     along with the Toxic Targeting  
4     report.

5         THE SPECIAL MASTER: This is  
6    Mr. Jergenson's declaration.

7         MR. RICARDULLI: Yes your  
8    Honor. There are some differences  
9    between the public record itself

10 which was attached as Exhibit C to  
11 this report and it was Bates  
12 labeled with a Hess prefix 799008.  
13 That is the New York State  
14 department of environmental  
15 conservation spill report form.  
16 This itself is a public record  
17 which Toxic Targeting then  
18 purports to summarize in one of  
19 the first page of attachment B.

20 THE SPECIAL MASTER: For the  
21 record, we're looking at the  
22 declaration of David jarring son,  
23 Exhibit C to the declaration, is a  
24 document that has a header N Y S

0013

1 DEC spill report form and then  
2 your referring to the first page  
3 of Exhibit B to the certification,  
4 which was apparently prepared by  
5 Toxic Targeting Inc., on March 30,  
6 2008. It's part of a larger  
7 report and the document I have in  
8 front of me is page 33.

9 MR. RICCARDULLI: That's  
10 correct. When you compare page 33  
11 of the Toxic Targeting report  
12 against the DEC spill report form,  
13 the spill report form is a form  
14 filed or filled out by the  
15 department of conservation at the  
16 time a spill is reported to the  
17 agency. The caller takes the  
18 information down and fills out  
19 this form. If you notice when  
20 they changed the header on the  
21 middle of the form spill report  
22 form on the right-hand side says  
23 potential spiller.

24 THE SPECIAL MASTER: Okay.

0014

1 MR. RICCARDULLI: When you  
2 look and that indicates it's a  
3 merit gas station at 1044 hillside  
4 avenue and indicates the name of a  
5 contact there as a Scott Cullen,  
6 when compared to the toxic  
7 targeting report potential has  
8 been dropped from the name of the  
9 station there and it says just  
10 spiller and identifies the spiller  
11 as a Scott Cullen and at merit gas  
12 station.

13 Without understanding the  
14 purpose of why this report would  
15 come in the cities use of the  
16 Toxic Targeting report, the



17 changing of these records from  
18 potential spiller to spiller would  
19 suggest that the DEC, if this is  
20 described a public agency has made  
21 some sort of determination as to  
22 who the spiller is and the terms  
23 potential spiller or potential  
24 responsible parties have legal

0015

1 significance in terms of the DEC's  
2 regulatory function. The Toxic  
3 Targeting report at least suggests  
4 that merit gas station was  
5 identified as the spiller and/or  
6 the responsibility party by the  
7 agency, but also indicated in the  
8 files which is that second page of  
9 Exhibit C which is also part of  
10 the public file maintained by the  
11 DEC and I'll submit this was  
12 actually captured by the Toxic  
13 Targeting and it is verbatim in  
14 this sense, but indicates that  
15 Hess completed the remediation at  
16 the site and not merit gas  
17 station.

18 So, in terms of the  
19 reliability of the report itself,  
20 identifying the merit gas station  
21 as the spiller causes concerns  
22 when you compare it versus the DEC  
23 spill files themselves.

24 THE SPECIAL MASTER: Is Mr.

0016

1 Jorgensen listed as a witness.

2 MR. STEIN: The custodian  
3 of records for Toxic Targeting is  
4 your honor I don't know by name  
5 but by position.

6 THE SPECIAL MASTER: I  
7 suppose he is being offered at the  
8 time of trial to move these  
9 documents in to evidence, is that  
10 correct.

11 MR. STEIN: Yes your Honor.

12 THE SPECIAL MASTER: Will he  
13 have any independent knowledge as  
14 to what happened at a particular  
15 spill site or the like.

16 MR. STEIN: No. He will  
17 have knowledge as to how these  
18 records are taken from the public  
19 agency and the electronic way in  
20 they're pulled in to it.

21 THE SPECIAL MASTER: So I  
22 assume Mr. Jorgensen's declaration  
23 is essentially what the testimony

24 of this individual is expected to  
0017 1 be.

2 MR. STEIN: Yes your Honor,  
3 although I think he can be more  
4 detailed. And I think there's  
5 also I don't want to cut off your  
6 inquiry here but at an appropriate  
7 time there's another aspect to  
8 this.

9 THE SPECIAL MASTER: I  
10 understand. Anything else for  
11 from the defendant?

12 MR. RICCARDULLI: Yes your  
13 Honor. In terms of why this  
14 document is being used I would  
15 assume that the city wants to be  
16 able to point to a certain  
17 location identify.

18 THE SPECIAL MASTER: That  
19 was my next question for the city.  
20 Let's leave the relevance aside  
21 for a minute. Anything else.

22 MR. RICARDULLI: Nothing  
23 else your Honor.

24 THE SPECIAL MASTER: First  
0018

1 gentlemen, a question. What is  
2 the purpose of this exhibit.

3 MR. STEIN: The purpose of  
4 this exhibit and these reports is  
5 to actually show remediation  
6 action, the actions taken at  
7 sites, the volumes of releases,  
8 and those things associated with  
9 spills at the site. And I note  
10 your Honor these Toxic Targeting  
11 reports were relied upon not by  
12 our experts the three of them but  
13 also relied upon defendants  
14 experts. And I have this morning  
15 I think we'll be able to find some  
16 excerpts from their expert reports  
17 and it's listed on their exhibit  
18 list as well. This is not  
19 something just us relying upon but  
20 they're relying upon for the  
21 accuracy of this purpose.

22 THE SPECIAL MASTER: I'm  
23 assuming that the experts for both  
24 sides may reference these reports,  
0019

1 but am I not right under the  
2 Federal Rule of Evidence that the  
3 expert can rely on something that  
4 cannot be admissible.

5 MR. STEIN: He can, your

6 Honor but also under rule 703, the  
7 probativeness of the information  
8 substantially outweighs the risk  
9 of undo prejudice. That data is  
10 admissible. So while the printed  
11 record itself would not come in  
12 the expert could testify to the  
13 specific data contained there in  
14 under rule 703.

15 THE SPECIAL MASTER: What is  
16 your expert going to use this  
17 report or these reports for other  
18 than to say that there was a spill  
19 in a certain date and there was or  
20 was not a remediation.

21 MR. STEIN: That's exactly  
22 what our experts and their experts  
23 your Honor use them for and I  
24 believe that would be why they

0020

1 listed it on their exhibit list.  
2 They not only listed the entire  
3 Toxic Targeting database, they  
4 listed toxic targeting reports for  
5 specific sites that our experts  
6 did not address but there's  
7 experts did. Presumably that  
8 would be so their experts could  
9 talk about the characteristics of  
10 spills or remediation action at  
11 those locations. Their expert,  
12 doctor Fletcher Driscoll numerous  
13 times throughout his report relies  
14 on those Toxic Targeting reports  
15 precisely for those reasons, to  
16 describe spills and contamination  
17 at a certain site.

18 THE SPECIAL MASTER: Am I  
19 right that there's nothing in  
20 these reports from Toxic Targeting  
21 that specify MTBE.

22 MR. STEIN: Yes, there is.

23 THE SPECIAL MASTER: Can you  
24 point one to me in Exhibit A to

0021

1 the Jorgensen declaration because  
2 I guess I missed it.

3 MR. STEIN: It's not in  
4 there, your Honor. The entire  
5 volume of reports is quite  
6 voluminous but I can if I can  
7 provide a copy of the expert  
8 report.

9 THE SPECIAL MASTER: No, not  
10 the expert report. In the Toxic  
11 Targeting documents, what in there  
12 specifically references or

13 pertains to the contaminant that's  
14 the subject matter of this  
15 litigation.

16 MR. STEIN: The example  
17 provided does not list MTBE on it  
18 but gasoline at that time being  
19 used contained MTBE and there are  
20 other toxic targeting reports.  
21 This is just an exemplar, there  
22 are Toxic targeting reports that  
23 will have actual reading of  
24 contaminant levels of MTBE. But

0022

1 this is important for the modelers  
2 and the people examining the  
3 modeling both on our side and  
4 Exxon side they're trying to  
5 predict concentrations of MTBE in  
6 ground water in the future, they  
7 need to know how much gasoline  
8 with MTBE was spilled at a  
9 specific site.

10 THE SPECIAL MASTER: Is  
11 there a dispute that New York  
12 department of environmental  
13 conservation had a report of a  
14 spill on a certain date or is that  
15 effectively agreed to by the  
16 parties here.

17 MR. RICCARDULLI: So long as  
18 we have seen it with -- I don't t  
19 believe we have gone in to the  
20 dispute over a spill being  
21 reported to the DEC. There is a  
22 dispute, however, regarding  
23 quote/unquote a spill being  
24 reported and how that term is

0023

1 used. The report that's attached  
2 here, I believe, at B and C will  
3 indicate there were no gallons  
4 spilled. It says quantity  
5 spilled zero quantity recovered,  
6 zero. So and but there was  
7 remediation at the site performed.  
8 So, there is you know the context  
9 of the word spill may -- it  
10 depends on a site by site  
11 evaluation. That would be the  
12 dispute. I don't think we dispute  
13 that the DEC received a call or a  
14 reported release on July 6, 1998  
15 as reported in the DEC spill  
16 report.

17 THE SPECIAL MASTER: Exhibit  
18 C to the declaration in the second  
19 page where DEC remarks are made,

20 does say one M W has MTBE above G  
21 W standards.

22 MR. STEIN: Yes your Honor,  
23 I missed that. It's actually in  
24 the toxic targeting report as well

0024

1 your Honor.

2 THE SPECIAL MASTER: In the  
3 one that's attached.

4 MR. STEIN: Yes your Honor.  
5 It's on the second page. And I  
6 apologize I overlooked it, had a  
7 brain cramp. If you follow to it  
8 the second page the remarks that  
9 are exactly the same because  
10 they're transmitted  
11 electronically.

12 THE SPECIAL MASTER: The  
13 second page has a header, toxic  
14 site database as analyzed in your  
15 report.

16 MR. RICCARDULLI: Second  
17 page of B.

18 MR. STEIN: So Exhibit C is  
19 in New York State one and Exhibit  
20 B is the Toxic Targeting report.  
21 If you flip the page over.

22 THE SPECIAL MASTER: I  
23 understand that it's the same  
24 thing that's what counsel talked

0025

1 about before. I guess I'm a  
2 little curious why it has a big  
3 line through it but that's another  
4 issue.

5 MR. STEIN: That's a second  
6 report on the bottom for a second  
7 site, we were trying to show one  
8 site. These pages one in to one  
9 another, your Honor when the  
10 production was originally made one  
11 report ran in to another, so  
12 obviously they have to redact it  
13 but it was an example of one. So  
14 those comments were translated  
15 exactly.

16 THE SPECIAL MASTER:  
17 Gentlemen I appreciate the  
18 argument being made. Do you have  
19 anything else you want to argue  
20 with regard to the admissibility  
21 of this report or these reports.

22 MR. STEIN: No your Honor.  
23 Other than the basis we have  
24 answered under 1006 and 703.

0026

1 THE SPECIAL MASTER: That's

2 a different issue. The question  
3 before me is whether there's a  
4 hearsay exception for this  
5 document to come in or these  
6 reports to come in. It is not a  
7 public record because there was  
8 not generated by a public agency.  
9 Anything else counsel.

10 MR. CAMPINS: Yes your  
11 Honor. I would take the position  
12 under rule 801 D-2 C that by  
13 listing the entire toxic targeting  
14 database Exxon Mobil has is an  
15 adoptive admission. And Mr. Stein  
16 can provide you with a copy of  
17 their exhibit list. But they have  
18 actually listed the entire  
19 database on their exhibit list so  
20 they are attesting to it's  
21 veracity and reliability. So it's  
22 essentially an adoptive admission  
23 under 801 D-2 C.

24 MR. RICARDULLI: Can I  
0027

1 respond when you're ready?

2 THE SPECIAL MASTER: You  
3 might as well do it now.

4 MR. RICCARDULLI: Our expert  
5 Fletcher Driscoll reliance on a  
6 document that I can unless the  
7 city has evidence otherwise  
8 believe that toxic targeting  
9 information that relied on was  
10 produced to defendants at that  
11 time including Exxon by  
12 plaintiff's experts themselves,  
13 that Mr. Driscoll did not contact  
14 Toxic Targeting and order  
15 additional reports. He considered  
16 the evidence that the materials  
17 were relied on.

18 THE SPECIAL MASTER:  
19 Gentlemen, I appreciate the  
20 argument being advanced by  
21 everyone. I also appreciate the  
22 argument being advanced that this  
23 is an adoptive admission somehow  
24 by having listed this document or

0028

1 one of the documents on the  
2 defendants trial exhibit list.  
3 However, having listened to what  
4 you say, gentlemen, I appreciate  
5 the argument. I just don't see  
6 this as a public record as I  
7 mentioned before. I don't think  
8 it has sufficient end dimensional

9 shall of reliability given the  
10 source and changes that are made  
11 to demonstrate this should come in  
12 as a business records exception.  
13 It may come in for another  
14 purpose, perhaps there's  
15 summaries, it can be argued as a  
16 summary. I don't that in front of  
17 me to deal with. I don't know  
18 it's the obligation of the  
19 defendant to go to 27 different  
20 databases and find things. So if  
21 you gentlemen want to try to get  
22 this in some other way it's your  
23 obligation to get all this  
24 information to the defendant for

0029

1 the defendant to see it. And if  
2 you were going to try to make an  
3 argument this could come in as  
4 some type of a summary, I would  
5 think that the summary is going to  
6 be a public records only, not of  
7 any kind of records even from  
8 utility. And in addition to that  
9 anything that was added by Toxic  
10 Targeting as it prepared these  
11 reports would have to come out  
12 too.

13 So, if you can get all the  
14 underlying documentation to the  
15 defendant, if you can have some  
16 discussion about it, maybe a true  
17 summary of those exhibits would be  
18 admissible. Frankly given the  
19 discussions we have been having I  
20 have a problem with a lot of being  
21 admissible but we'll leave that  
22 for another day.

23 Okay. We've talked about  
24 the so-called ancient record.

0030

1 I've dealt with these reports.  
2 What else do we need to do on the  
3 record?

4 MR. RICCARDULLI: I don't  
5 think there's anything else.

6 THE SPECIAL MASTER: All  
7 right. We're done, subject to  
8 3:30. We have people coming at  
9 3:30. We can go off the record.

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24



TT Section #	SPILL NO.	FACILITY NAME	FACILITY STREET	Spill Reported date	Changes to Address/Location	Other data issues
103	9402398	MOBIL GAS STATION	138-50 HILLSIDE AVENUE	5/17/1994		Investigator remarks were null (empty) for this spill based on the 2008 data used for the report. However, the database included remarks obtained in 2002. Toxics Targeting displays these redacted remarks under the heading "The following DEC Investigator Remarks were available prior to 1/1/2002."
103	9409159	MOBIL SERVICE STATION	138-50 HILLSIDE AVENUE	10/10/1994		The DEC data field in the current spills database describing whether a spill meets cleanup standards is "Yes", but based on the data dictionary Toxics Targeting shows these as "Unknown." The 1998 Spills Database data dictionary defines the MEETS_ST field as: "Does the cleanup meet standards and/or guidance values? This is unknown for spills closed prior to September 1995, but was defaulted to true." Personal communication with the DEC staff indicate that when the field was added, they did not know whether standards were met for spills closed before that time.
88	8900535	EXXONMOBIL S/S	84-04 PARSONS BLVD	4/17/1989		See 9409159 above
88	9007892	EXXONMOBIL	84-04 PARSONS BLVD	10/19/1990		See 9409159 above
139	9814185	MOBIL S/S #17-GVE	113-21 MERRICK BLVD	2/24/1999	Address is not referenced in parcel database. The NYC Buildings Department online database shows both the 113-21 Merrick Blvd and 171-01 Linden Blvd are associated with block 10287 lot 1, where it was mapped.	
139	9601682	EXXONMOBIL	113-21 MERRICK RD	5/2/1996	See 9814185 above	See 9402398 above
140	8906399	EXXONMOBIL	113-21 MERRICK BLVD	9/26/1989	See 9814185 above	See 9409159 above
139	0012866	EXXONMOBIL	113-21 MERRICK BLVD	3/6/2001	See 9814185 above	See 9402398 above
106	8907847	NY ARMORY OMS-41	93005 168 STREET	11/7/1989	Extra "0" occasionally found in Queens-style addresses removed and "th" added to "168."	
107	9412008	93-59 183RD ST	93-59 183RD ST	12/8/1994	Address is not referenced in parcel database. Address matches to streets database between 2 large parcels owned by LIRR. Mapped as a "large facility" in the parcel on side of street indicated by streets database. Other spills and database sites reference the address to the Holban Yard.	See 9409159 above
107	9212854	LIRR	93-59 183RD STREET	2/15/1993	See 9412008 above	See 9409159 above
107	9109919	LIRR	LIBERTY AVE & 183RD ST	12/18/1991	The DEC's DER_ID matches that of 9201875, identified as being at the Holban Yard (see 9201875 below). The DER_ID references spills that are at the same location. Mapped at the parcel identified as the Holban Yard (see 9412008 above).	
107	9201875	LIRR	LIBERTY AVE & 183RD ST	5/15/1992	The DEC's investigator remarks reference the Holban Yard. Mapped at the parcel identified as the Holban Yard (see 9412008 above).	See 9409159 above

IT Section #	SPILL NO.	FACILITY NAME	FACILITY STREET	Spill Reported date	Changes to Address/Location	Other data issues
157	9512911	CITGO SERVICE STATION	131-07 MERRICK BLVD	1/17/1996		Toxics Targeting obtained the Fall 1998 MTBE Survey database from the DEC. This data did not include addresses, but did include spill numbers. This data is retrieved and selected fields are shown in the report's data profile for the referenced spill number.
188	9007853	MOBIL S/S #17-IH5	162-35 NORTH CONDUIT BLVD	10/18/1990	North Conduit Blvd in the borough of Kings continues as North Conduit Ave in the borough Queens. It is common that spills are given incorrect street names when near municipal borders, where they often change. The address number is invalid in Kings. Another spill for Mobil was reported at this location for 162-35 North Conduit Ave.	
188	0611640	EXXON MOBILE	162-35 NORTH CONDUIT BLVD	1/19/2007	See 9007583 above	
188	8807862	MOBIL S/S	177-90 SO. CONDUIT AVENUE	12/22/1988		See 9402398 above
171	9012814	161-51 BAISLEY BLV/QUEENS	161-51 BAISLEY BLVD	3/14/1991		See 9409159 above
171	9206726	161-51 BAISLEY BLVD	161-51 BAISLEY BLVD	9/10/1992		See 9409159 above
107	9709592	JAMAICA WATER SUPPLY STN. #2 DEP -DDC	107-17 178TH STREET	11/18/1997	Address is not referenced in parcel database. Extrapolation of streets database road segment ending at 10901 is a group of parcels. Three of these have Jamaica Water Supply listed as the owner. Cross-reference with the USGS wells database shows 2 Jamaica Water Supply wells on or near these parcels. The spill was mapped in the middle of the three parcels.	
107	9710478	JAMACIA WATER SSUPPLY DEP -DDC	107-17 178TH STREET	12/12/1997	See 9709592 above	
155	0300640	CARMICHAEL'S	117-07 GUY BREWER BLVD	4/17/2003	The actual street name is Guy R. Brewer Blvd., and the spill matches a parcel found for that address.	
72	9808828	SHELL SERVICE	162-16 UNION TURNPIKE	10/15/1998	Address is not referenced in parcel database. The NYC Buildings Department online database shows both the 162-16 and 162-20 address numbers are associated with block 6857 lot 53, where it was mapped.	
89	9501232	165-01 HILLSIDE AVE	165-01 HILLSIDE AVE	4/28/1995		See 9409159 above
105	9511826	103 PRECINCT NYPD-DDC	168-02 91ST AVENUE	12/18/1995		See 9512911 above
187	9111240	154-10 ROCKAWAY BVD/SHELL	154-10 ROCKAWAY BLVD	1/30/1992		See 9409159 above
Remainder of 65 reports had no address changes or data issues.						

SPILLNO	SITEID	PROGTYPE	PROGFACNAM	ADDRESS1	ADDRESS2	LOCALITY	COUNTY	ZIPCODE
9804275	75582 ER		MERIT GAS STA	144-10 HILLSID		JAMAICA	Queens	



Aug 5 2009  
11:53AM

SWISCODE	REGION	LEADDEC	REFERREDTO	SPILLDATE	RCVDDATE	CID	CONTRIBUTI	WATERBODY
4101	2	SMSANGES		7/6/1998	7/6/1998	323	Unknown	

SOURCE	REPORTEDBY	CALLERREMA	CACDATE	MEETSSTD	INSPDATE	PENALTY	USTTRUST	CLASS
Gasoline Statio	Other			0	0	0	0	C3

## AllSpills

8/4/2009

CLOSEDATE	REMEDIATIONPHASE	DECREMARK	CREATEDATE	UPDATEDATE	SPILLERNAM	SPILLERCOM	SPILLERPHO	SPILLEREXT
2/28/2003	0		7/6/1998	2/28/2003	SCOTT CULLINA	MERIT GAS STA	(610) 527-7900	

SPILLERADD	SPILLERCIT	SPILLERSTA	SPILLERZIP	SPILLERCOU	CONTACTNAM	CONTACTPHO	CONTACTEXT	DECREGION
144-10 HILLSID	JAMICA	ZZ		001	SCOTT CULLINA	(610) 527-7900		2

PROGNO	DERFACID	AFTERHOURS	EDOCSPATH
9804275	70738	0	\\cs1-data3\da